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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/646,667	12/23/2009	Keith J. Byer	207856-9003-US00

CONFIRMATION NO. 1550

POA ACCEPTANCE LETTER

1131
MICHAEL BEST & FRIEDRICH LLP (Chi)
Two Prudential Plaza
180 North Stetson Avenue, Suite 2000
CHICAGO, IL 60601



Date Mailed: 10/29/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2014.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/mturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/646,667	12/23/2009	Keith J. Byer	138057-3

CONFIRMATION NO. 1550

POWER OF ATTORNEY NOTICE

84346
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007



Date Mailed: 10/29/2014

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/24/2014.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/mturner myles/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	8,205,592
	Issue Date	06-26-2012
	First Named Inventor	Keith J. Byer
	Title	NOISE ABATEMENT ENGINE COVER
	Attorney Docket Number	207856-9003-US00

I hereby revoke all previous powers of attorney given in the above-identified patent.

A Power of Attorney is submitted herewith.

OR

I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

1131

OR

I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

The address associated with the above-mentioned Customer Number.

OR

The address associated with Customer Number:

OR

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Inventor, having ownership of the patent.

OR

Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Inventor or Patent Owner

Signature /keith.j.byer/ Date October 24, 2014

Name Keith J. Byer Telephone

Title and Company President of Eagle Industries, Inc.

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 1.11 and 1.14. This collection is estimated to take 3 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. 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.

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.

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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Eagle Industries, Inc.

Application No./Patent No.: 8205592 Filed/Issue Date: 06/26/2012

Titled: NOISE ABATEMENT ENGINE COVER

Eagle Industries, Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
 - 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 - 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 023753, Frame 0037, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/timothy j. engling/
Signature

October 24, 2014
Date

Timothy J. Engling, Reg. No. 39,970
Printed or Typed Name

Attorney of Record
Title

This collection of information is required by 37 CFR 3.73(b). 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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.

Electronic Acknowledgement Receipt

EFS ID:	20496693
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	NOISE ABATEMENT ENGINE COVER
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/Elizabeth Tressler
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	24-OCT-2014
Filing Date:	23-DEC-2009
Time Stamp:	17:38:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	207856-9003- US00_POA_filed_10-24-14.pdf	706283 <small>78bc755b29985d897b1e107a95715cf617f a1bf7</small>	no	2

Warnings:

Information:

2	Assignee showing of ownership per 37 CFR 3.73.	207856-9003-US00_3-73b_Statement_filed_10-24-14.pdf	422961 b577eae0cc33760edd05c93e41166f805eb81eeb	no	2
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Warnings:

Information:

Total Files Size (in bytes):	1129244
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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www.uspto.gov

Table with 5 columns: APPLICATION NO., ISSUE DATE, PATENT NO., ATTORNEY DOCKET NO., CONFIRMATION NO.
12/646.667 06/26/2012 8205592 138057-3 1550

84346 7590 06/06/2012
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Keith J. Byer, West Bloomfield, MI;
Mark Arthurs, West Bloomfield, MI;
John R. Bull, Orchard Lake, MI;

Amendments to the Specification

Please delete the previous amendment to the specification by deleting the cross-reference to the same application as follows:

~~Cross-Reference to Related Application~~

~~[0001] This application is a continuing application of U.S. Patent Application 12/646,667, filed December 23, 2009.~~



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/646,667	12/23/2009	Keith J. Byer	138057-3	1550

84346 7590 05/29/2012
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
05/29/2012	PAPER

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.

Response to Rule 312 Communication	Application No. 12/646,667	Applicant(s) BYER ET AL.
	Examiner NATHANIEL WIEHE	Art Unit 3783

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

1. The amendment filed on 01 May 2012 under 37 CFR 1.312 has been considered, and has been:
- a) entered.
 - b) entered as directed to matters of form not affecting the scope of the invention.
 - c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
 - d) disapproved. See explanation below.
 - e) entered in part. See explanation below.

Amendment merely removes an inadvertent cross reference section. The instant application is not a continuation and does not claim priority to any foreign application.

/NATHAN WIEHE/ Supervisory Patent Examiner Art Unit 3783	
--	--

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(138057-3.1)

Applicant: Byer, Keith et al. **Application:** 12/646,667
Art Unit: 3783 **Examiner:** Coleman, Keith A.
Filing Date: December 23, 2009
Title: Noise Abatement Engine Cover

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

Amendment After Payment of Issue Fee

The following amends the above captioned continuing patent application. The application was remanded to the Technology Center 3700 after the issue fee was paid.

Amendments to the specification begin on page 2 with the remarks beginning on page 3.

REMARKS

The undersigned spoke with the SPE about the February 10, 2012 remand to Technology Center 3700 and gave verbal authorization to make this amendment to delete the cross reference on April 25, 2012. As the process was not clear, the formal request for amendment is presently submitted.

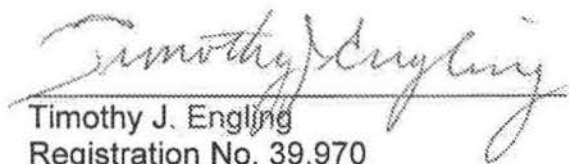
CONCLUSION

The issue fee has already been paid, but if necessary, please make credits or charge any deficiencies for this filing to Deposit Account 503654 with reference to our Attorney Docket No. 138057-3.

The Applicant therefore respectfully requests issuance of a patent.

Respectfully Submitted,

May 1, 2012


Timothy J. Engling
Registration No. 39,970
Miller, Canfield, Paddock and Stone P.L.C.
225 W. Washington Street, Suite 2600
Chicago, IL 60606
Direct: 312.460.4241

20,104,570.1\138057-00003
05/01/12

Electronic Acknowledgement Receipt

EFS ID:	12673504
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	NOISE ABATEMENT ENGINE COVER
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/k horn
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	01-MAY-2012
Filing Date:	23-DEC-2009
Time Stamp:	13:44:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Supplemental Response or Supplemental Amendment	Amendmentfor12-646667.pdf	288309 <small>3ec3effe748d78755f4e6b0fd25b950c1c0fd13a</small>	no	3

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Amendments to the Specification

Please delete the previous amendment to the specification by deleting the cross-reference to the same application as follows:

~~Cross-Reference to Related Application~~

~~[0001] This application is a continuing application of U.S. Patent Application 12/646,667, filed December 23, 2009.~~

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmittal the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as requested 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.

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

Note: A certificate of mailing can only be used for domestic mailings of the Patent 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.

84346 7590 01/02/2012
MILLER, CANFIELD, PADDOCK AND STONE
 277 SOUTH ROSE STREET
 SUITE 5000
 KALAMAZOO, MI 49007

Certificate of Mailing or Transmission
 I hereby verify 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 facsimile transmitted to the USPTO (874) 273-2885, on the date indicated below:

Depositor's name
Signature
Date

APPLICATION NO.	FILING DATE	FEE/PARTID INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/646,667	12/23/2009	Kurtis J. Byer	138037-3	1558

TITLE OF INVENTION: NOISE ABATEMENT ENGINE COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	05/02/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLEMAN, KLEITH A	3703	123 108001

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/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/97, 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 Miller Canfield Paddock
 & Stone, P.L.C.
 2
 3 Timothy J. Engling

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 has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

Eagle Industries, Inc.

Wixom, Michigan

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

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies

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

A check is enclosed.
 Payment by credit card. Form PTO 2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 503372 (enclose an extra copy of this form)

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

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Timothy J. Engling

Date February 6, 2012

Typed or printed name

Timothy J. Engling

Registration No. 39,970

This collection of information is required by 37 CFR 1.111. 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 12 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.

Electronic Patent Application Fee Transmittal

Application Number:	12646667
Filing Date:	23-Dec-2009
Title of Invention:	NOISE ABATEMENT ENGINE COVER
First Named Inventor/Applicant Name:	Keith J. Byer
Filer:	Timothy J. Engling/s parman
Attorney Docket Number:	138057-3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	870	870
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1170

Electronic Acknowledgement Receipt

EFS ID:	12005516
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	NOISE ABATEMENT ENGINE COVER
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/s parman
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	06-FEB-2012
Filing Date:	23-DEC-2009
Time Stamp:	14:07:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1170
RAM confirmation Number	344
Deposit Account	503654
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	EagleFeeTrans_001.pdf	126044 c757749033e59343a5aa036e9c725696b00d60f2	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32003 2eb52ef14f95ad6c759674be426511ec5ea500e4	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				158047	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



UNITED STATES DEPARTMENT OF COMMERCE
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NOTICE OF ALLOWANCE AND FEE(S) DUE

84346 7590 02/02/2012
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

EXAMINER
COLEMAN, KEITH A
ART UNIT PAPER NUMBER

3783
DATE MAILED: 02/02/2012

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/646,667 12/23/2009 Keith J. Byer 138057-3 1550
TITLE OF INVENTION: NOISE ABATEMENT ENGINE COVER

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
nonprovisional YES \$870 \$300 \$0 \$1170 05/02/2012

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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 and an extra copy of the form should be submitted. 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: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (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 including the Patent, advance orders and notification of maintenance fees 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.

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

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.

84346 7590 02/02/2012
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/646,667	12/23/2009	Keith J. Byer	138057-3	1550

TITLE OF INVENTION: NOISE ABATEMENT ENGINE COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	05/02/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLEMAN, KEITH A.	3783	123-19800E

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(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. 2 _____</p> <p>3 _____</p>
---	---

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 has been filed for recordation as set forth in 37 CFR 3.11. 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

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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 12 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.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/646,667 12/23/2009 Keith J. Byer 138057-3 1550

84346 7590 02/02/2012
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT PAPER NUMBER

3783

DATE MAILED: 02/02/2012

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

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

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.

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

Application No. 12/646,667	Applicant(s) BYER ET AL.	
Examiner KEITH COLEMAN	Art Unit 3783	

-- 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.

- 1. This communication is responsive to the amendment filed on 12/15/2011.
- 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 allowed claim(s) is/are 1-14 and 16-20.
- 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - 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 requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date ____.
 - (b) 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).
- 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
- 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- 6. Interview Summary (PTO-413), Paper No./Mail Date ____.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other ____.

/K. C./
Examiner, Art Unit 3783

/Noah Kamen/
primary examiner

Art Unit: 3783

Examiner's Reasons for Allowance

Claims 1-14 and 16-20 are allowable.

Claim 1 recites the limitations of a core of the exterior engine cover being **medium density polyurethane** in addition to a textured outer surface of the exterior engine cover with a embedded protective coating that is denser than the core that are not found nor render obvious over the prior art because the combination is not taught.

Claim 8 recites the limitations of a core of the engine cover with a **density of 5-13 PCF** that provides a high level of sound absorption in close association with the engine being covered addition to wherein the engine cover is an integral piece adapted to externally cover a portion of the engine as an exterior component with the outer surface visible inside a vehicle engine compartment, that are not found nor render obvious over the prior art because the combination is not taught.

Claim 10 recites the limitations of dispensing foam of high temperature with a **density of 5-13 PCF** into a cavity including the grained side of the tool, the cavity forming the shape of the engine cover addition to extracting from the tool the engine cover having the textured outer surface with the in-mold applied coating that provides protection as an outer surface of at least a portion of the engine cover that are not found nor render obvious over the prior art because the combination is not taught.

Claims 2-7, 9, 11-14, and 16-20 are allowed because of their dependency on the above claims. Examiner believes the claims are in a condition for allowance.

Art Unit: 3783

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH COLEMAN whose telephone number is (571)270-3516. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenburg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./

Examiner, Art Unit 3783

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3392	(264/129,136,160).ccls. not (264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:32
L2	33700	(264/137,145,40.4)".ccls", not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:32
L3	1929	(264/137,145,40.4).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:32
L4	5866	(264/137,145,40.4 524/492,589).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:33
L5	4270	(264/137,145,40.4 524/492).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:33

L6	33700	(264/137,145,40.4)".ccls", not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:37
L7	1929	(264/137,145,40.4).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:37
L8	29	"20020055811" "20040030458" "20040093155" "20040093264" "20050131597" "20050143876" "20050278055" "20060006990" "20060202808" "20060217993" "20070001831" "20070149184" "5220968" "6694806" "6925425").PN. OR ("7765058").URPN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:44
L9	19	264/320,241,157,299,129,136,160,137,145,40.4.ccls. and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:45
L10	5	(524/492,589.ccls. not 264/320,241,157,299,129,136,160,137,145,40.4.ccls.) and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:45
L11	392	(123/198E.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:46

L12	39	(123/198E.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover and foam	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:47
L13	6	(123/198E,41.7,195C,400.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover and foam and mold	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:47
L14	1	((KEITH) near2 (BYER)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:47
L15	244	((MARK) near2 (ARTHURS)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:47
L16	74	((JOHN) near2 (BULL)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:48
S1	1	((KEITH) near2 (BYER)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18

S2	244	((MARK) near2 (ARTHURS)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18
S3	7713	264/320,241,157,299.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18
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S5	2362	264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18
S6	2255	264/241.ccls. not 264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19
S7	3096	264/157,299.ccls. not (264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19

S8	4218	(264/129,136,160,137).ccls. not (264/157,299 264/241 264/320). ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19
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EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L17	23	(123/198E.ccls. f02b77/02.ipc. (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.)	UPAD	OR	ON	2012/01/14 20:49

1/14/2012 8:49:57 PM

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	engine near40 (cover\$4 or shield\$4 or baffl\$4 or panel or wall) near50 polyurethane near50 (layer\$4 or coat\$4 or film or exterior or outer) near50 (textur\$4 or denser or protect\$9) and ("181"/ or nois\$4 or sound\$4 or quiet\$4 or loud)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; BM_TDB	OR	ON	2012/01/28 17:23
L2	1	engine near40 (cover\$4 or shield\$4 or baffl\$4 or panel or wall) near50 polyurethane near50 (layer\$4 or coat\$4 or film or exterior or outer) near50 (textur\$4 or denser or protect\$9) and ("181".clas. or nois\$4 or sound\$4 or quiet\$4 or loud)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; BM_TDB	OR	ON	2012/01/28 17:24
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S3	7713	264/320,241,157,299.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; BM_TDB	OR	ON	2012/01/14 19:18

S4	4617	264/320,241.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18
S5	2362	264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:18
S6	2255	264/241.ccls. not 264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19
S7	3096	264/157,299.ccls. not (264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19
S8	4218	(264/129,136,160,137).ccls. not (264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 19:19
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S17	19	264/320,241,157,299,129,136,160,137,145,40.4.ccls. and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/01/14 20:45
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S22	1	((KEITH) near2 (BYER)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; BM_TDB	OR	ON	2012/01/14 20:47
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S24	74	((JOHN) near2 (BULL)).INV.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; BM_TDB	OR	ON	2012/01/14 20:48

EAST Search History (Interference)

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S25	23	(123/198E.ccls. f02b77/02.ipc. (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.)	UPAD	OR	ON	2012/01/14 20:49

1/28/2012 5:24:55 PM

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Search Notes 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

SEARCHED			
Class	Subclass	Date	Examiner
264	320,241,157,299,129,136,160,137,145,40.4,	1/14/2012	Keith A Coleman
524	492,589	1/14/2012	Keith A Coleman
123	198E,41.7,195C,400	1/14/2012	Keith A Coleman
F02B	77/04	1/14/2012	Keith A Coleman

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name search in PALM	1/14/2012	Keith A Coleman

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
264	320,241,157,299,129,136,160,137,145,40.4,	1/14/2012	Keith A Coleman
524	492,589	1/14/2012	Keith A Coleman
123	198E,41.7,195C,400	1/14/2012	Keith A Coleman
F02B	77/04	1/14/2012	Keith A Coleman

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Index of Claims 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	11/07/2010	02/20/2011	09/27/2011	01/14/2012				
1	1	✓	✓	✓	=				
2	2	✓	✓	✓	=				
3	3	✓	✓	✓	=				
4	4	✓	✓	✓	=				
5	5	✓	✓	✓	=				
6	6	✓	✓	✓	=				
7	7	✓	✓	✓	=				
9	8	✓	✓	✓	=				
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13	10	✓	✓	✓	=				
14	11	✓	✓	✓	=				
15	12	✓	✓	✓	=				
16	13	✓	✓	✓	=				
17	14	✓	✓	✓	=				
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19	17		✓	✓	=				
8	18			✓	=				
11	19			✓	=				
12	20			✓	=				

<p>Issue Classification</p>	<p>Application/Control No. 12646667</p>	<p>Applicant(s)/Patent Under Reexamination BYER ET AL.</p>
	<p>Examiner KEITH COLEMAN</p>	<p>Art Unit 3783</p>

ORIGINAL					INTERNATIONAL CLASSIFICATION										
CLASS		SUBCLASS			CLAIMED					NON-CLAIMED					
123		198E			F	0	2	B	77 / 04 (2006.0)						
CROSS REFERENCE(S)															
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)														
123	198D														

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant																<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original						
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3	3	11	19																		
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	15																				
18	16																				

<p>/KEITH COLEMAN/ Examiner. Art Unit 3783</p> <p>(Assistant Examiner)</p>	<p>1/14/2012</p> <p>(Date)</p>	<p>Total Claims Allowed:</p> <p>19</p>	
<p>/NOAH KAMEN/ Primary Examiner. Art Unit 3783</p> <p>(Primary Examiner)</p>	<p>01/30/2012</p> <p>(Date)</p>	<p>O.G. Print Claim(s)</p> <p>1</p>	<p>O.G. Print Figure</p> <p>1</p>



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/646,667 12/23/2009 Keith J. Byer 138057-3 1550

84346 7590 12/15/2011
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT PAPER NUMBER

3783

MAIL DATE DELIVERY MODE

12/15/2011

PAPER

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.

Applicant-Initiated Interview Summary	Application No. 12/646,667	Applicant(s) BYER ET AL.	
	Examiner KEITH COLEMAN	Art Unit 3783	

All participants (applicant, applicant's representative, PTO personnel):

- (1) KEITH COLEMAN. (3) Timothy Engling.
(2) Keith Byer. (4) Mark Arthurs.

Date of Interview: 13 December 2011.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1, 8, and 10.

Identification of prior art discussed: Wolaver.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's Representative made convincing arguments regarding proposed amendments that would read over the cited prior art. Examiner agreed to withdraw the 103 rejection in view of the discussed amendments.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/K. C./
Examiner, Art Unit 3783

/Noah Kamen/
Primary Examiner

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(138057-3.1)

Application: 12/646,667 Inventor: Byer, Keith et al.
Art Unit: 3783 Examiner: Coleman, Keith A.
Filing Date: December 23, 2009 Confirmation: 1550
Title: Noise Abatement Engine Cover

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

Amendments and Response after Interview with the Examiner

After the interview with the examiner on December 13, 2011 and in response to the non-final Office Action mailed on October 5, 2011, the applicant amends its patent application as beginning on page 2. Remarks begin on page 5.

The applicant, including the undersigned counsel and the two inventors who were present, would like to thank the examiner for the personal interview where we made convincing arguments regarding proposed amendments that would read over the cited prior art.

Please amend the Claims as follows:

What is claimed is:

1. (Currently Amended) An exterior engine cover adapted to be used as an external cover of an engine comprising:
a core of the exterior engine cover being medium density polyurethane; and
an-aesthetically a textured outer surface of the exterior engine cover with an embedded protective coating that is denser than the core
wherein the outer surface exposed to the environment has a show-quality visible outer surface appearance when installed.
2. (Currently Amended) The engine cover of claim 1 wherein the engine cover is a single piece with in-molded apertures and protrusions extending from an inner surface of the engine cover wherein areas between the apertures and protrusions are set back so as to not contact the engine being covered.
3. (Previously Presented) The engine cover of claim 1 wherein the protective coating is in-molded urethane-based paint that provides consistent color, gloss and UV protection on the outer surface.
4. (Previously Presented) The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF and provides a high level of sound absorption in close association with the engine being covered.
5. (Previously Presented) The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating, wherein the inner surface faces the engine when the engine cover is installed.
6. (Original) The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.
7. (Previously Presented) The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the

engine cover does not sag when installed on the engine.

8. (Currently Amended) A noise abatement engine cover for ~~an~~ a land vehicle engine comprising:
a core of the engine cover ~~of medium-density foam~~ with a density of 5-13 PCF that provides a high level of sound absorption in close association with the engine being covered; and
a textured outer surface with an embedded protective coating that provides consistent color and UV protection;
wherein the engine cover is an integral piece adapted to externally cover a portion of the engine as an exterior component with the outer surface visible inside a vehicle engine compartment.

9. (Previously Presented) The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine when installed does not have a coating and is raw polyurethane foam.

10. (Currently Amended) A method of making ~~an~~ a land vehicle engine cover with a textured outer surface including steps of:
applying mold release to ~~a an-aluminum~~ tool having a grained side,
applying coating to the grained side of the ~~aluminum~~ tool that is applied with mold release,
dispensing foam of high temperature polyurethane with a density of 5-13 PCF into a cavity including the grained side of the ~~aluminum~~ tool, the cavity forming the shape of the engine cover,
allowing foam to expand in the cavity and cure, and
extracting from the tool the engine cover having the textured outer surface with the in-mold applied coating that provides protection as an outer surface of at least a portion of the engine cover.

11. (Currently Amended) The method of claim 10 wherein the coating is spray-applied urethane-based paint that provides consistent color, gloss and UV protection on the outer surface of the engine cover.

12. (Previously Amended) The method of claim 10 wherein the coating is .0008 to .0025

inch thick.

13. (Currently Amended) The method of claim 10 including the additional step of controlling temperature of the aluminum tool during expanding and curing of the foam.

14. (Currently Amended) The method of claim 10 wherein the engine cover is a single piece with in-molded apertures and protrusions extending from an inner surface of the engine cover wherein areas between the apertures and protrusions are set back so as to not contact the engine being covered.

15. (Cancelled)

16. (Currently Amended) The method of claim 10 where a second side of the aluminum tool is not applied with a coating.

17. (Currently Amended) The method of claim 16 wherein the grained side of the aluminum tool forms the textured outer surface on the engine cover and the second side forms an inner surface that is raw polyurethane foam.

18. (Currently Amended) The engine cover of claim 1 further comprising a series of molded apertures to help secure the engine cover to the engine.

19. (Previously Presented) The engine cover of claim 8 further comprising a series of molded apertures through the engine cover adapted to secure the engine cover to the engine.

20. (Previously Presented) The engine cover of claim 9 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the engine cover does not sag when installed on the engine.

REMARKS

Several amendments were made to cover all claims. In addition to the amendments proposed before the interview, the applicant as requested linked the core of claims 1 and 8 specifically to the engine cover and incorporated claim 15 into independent method claim 10. Claim 15 is cancelled.

The amendments include the agreement as discussed to withdraw the Section 103 rejections.

In view of the foregoing proposed amendments and remarks, the applicant looks forward to a Notice of Allowance.

Respectfully Submitted,

December 14, 2011


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19,657,173.1138057-00003
12/14/11

Electronic Acknowledgement Receipt

EFS ID:	11623214
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/k horn
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	15-DEC-2011
Filing Date:	23-DEC-2009
Time Stamp:	09:13:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Resp12-646667.pdf	312342 <small>d56cde0efef781e8deb398ee681b39fa71623580</small>	no	5

Warnings:

Information:

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/646,667	Filing Date 12/23/2009	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>		OR	SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A		OR	N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A		OR	N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A		OR	N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =		OR	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				OR		
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>					OR		
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL		OR	TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)	(Column 3)		SMALL ENTITY		OR	SMALL ENTITY		
AMENDMENT	12/15/2011	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0	X \$30 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$125 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

(Column 1)		(Column 2)	(Column 3)		SMALL ENTITY		OR	SMALL ENTITY		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/FLORENCE PATTERSON/

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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NOV 18 2011

Founded in 1852
by Sidney Davy Miller

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PLEASE DELIVER TO	FAX TELEPHONE NO.
Examiner Keith Coleman	571-273-8300

FROM	Diana L. Jacobson (for Timothy J. Engling)	C/M NO.	138057
		USER NO.	3855
TELEPHONE	(312) 460-4214	DATE	November 18, 2011

COMMENTS	Per my voicemail message to you yesterday morning, we are confirming the Interview on December 13, 2011 at 2:00 p.m. Examiner: Keith Coleman Application No.: 12/646,667 Inventor Name: Keith Byer Art Unit: 3783 Tentative Participants: Timothy J. Engling, Keith Byer and Mark Arthurs)
HARD COPY TO FOLLOW: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Total Number of Pages 1 (including this cover sheet)

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19_585_791.1\138057-00003

Time: _____

Doc Code: M865 or FAI.REQ.INTV

PTOL-413A (10-09)
Approved for use through 07/31/2012. OMB 0951-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 12/646,667 First Named Applicant: Byer, Keith
Examiner: Coleman, Keith Art Unit: 3783 Status of Application: pending/rejected

Tentative Participants:

(1) Timothy Engling (2) Keith Byer
(3) Mark Arthurs (4) _____

Proposed Date of Interview: Nov. 29, 2011 Proposed Time: 2 (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: a commercial embodiment of the cover

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej. 103</u>	<u>1-9, 18-20</u>	<u>Wolaver</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej. 103</u>	<u>10-17</u>	<u>Wolaver, Vihetelic</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented:

The amended claims are allowable over the prior art.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. 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 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application forms 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(138057-3.1)

Application:	12/646,667	Inventor:	Byer, Keith et al.
Art Unit:	3783	Examiner:	Coleman, Keith A.
Filing Date:	December 23, 2009	Confirmation:	1550
Title:	Noise Abatement Engine Cover		

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

Proposed Amendments and Remarks for Examiner's Interview

To advance the prosecution, the following relates to a proposal for an examiner interview in response to the non-final Office Action mailed on October 5, 2011 in the above captioned patent application. The draft amendments proposed for the claims are presented to be considered before an interview and discussion. The applicant, including the undersigned counsel and at least one inventor, would like to clarify issues and reach mutual understanding in a personal examiner interview in Alexandria by discussing this patent application.

Please consider amended Claims as follows:

What is claimed is:

1. (Currently Amended) An exterior engine cover adapted to be used as an external cover of an engine comprising:
a core of medium density polyurethane; and
~~an aesthetically~~ a textured outer surface (or facade?) with an embedded protective coating that is denser than the core
wherein the outer surface exposed to the environment has a ~~show-quality~~ visible outer surface ~~appearance~~ when installed.
2. (Currently Amended) The engine cover of claim 1 wherein the engine cover is a single piece with in-molded apertures and protrusions extending from an inner surface of the engine cover wherein areas between the apertures and protrusions are set back so as to not contact the engine being covered.
3. (Previously Presented) The engine cover of claim 1 wherein the protective coating is in-molded urethane-based paint that provides consistent color, gloss and UV protection on the outer surface.
4. (Previously Presented) The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF and provides a high level of sound absorption in close association with the engine being covered.
5. (Previously Presented) The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating, wherein the inner surface faces the engine when the engine cover is installed.
6. (Original) The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.
7. (Previously Presented) The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the

engine cover does not sag when installed on the engine.

8. (Currently Amended) A noise abatement engine cover for ~~an~~ a land vehicle engine comprising:
a core of ~~medium density foam~~ with a density of 5-13 PCF that provides a high level of sound absorption in close association with the engine being covered; and
a textured outer surface with an embedded protective coating that provides consistent color and UV protection;
wherein the engine cover is an integral piece adapted to externally cover a portion of the engine as an exterior component with the outer surface visible inside a vehicle engine compartment.

9. (Previously Presented) The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine when installed does not have a coating and is raw polyurethane foam.

10. (Currently Amended) A method of making ~~an~~ a land vehicle engine cover with a textured outer surface including steps of:
applying mold release to ~~a an aluminum~~ tool having a grained side,
applying coating to the grained side of the ~~aluminum~~ tool that is applied with mold release,
dispensing foam into a cavity including the grained side of the ~~aluminum~~ tool, the cavity forming the shape of the engine cover,
allowing foam to expand in the cavity and cure, and
extracting from the tool the engine cover having the textured outer surface with the in-mold applied coating that provides protection as an outer surface of at least a portion of the engine cover.

11. (Currently Amended) The method of claim 10 wherein the coating is spray-applied urethane-based paint that provides consistent color, gloss and UV protection on the outer surface of the engine cover.

12. (Previously Amended) The method of claim 10 wherein the coating is .0008 to .0025 inch thick.

13. (Currently Amended) The method of claim 10 including the additional step of controlling temperature of the ~~aluminum~~ tool during expanding and curing of the foam.
14. (Currently Amended) The method of claim 10 wherein the engine cover is a single piece with in-molded apertures and protrusions extending from an inner surface of the engine cover wherein areas between the apertures and protrusions are set back so as to not contact the engine being covered.
15. (Original) The method of claim 10 wherein the foam is high temperature polyurethane with a density of 5-13 PCF.
16. (Currently Amended) The method of claim 10 where a second side of the ~~aluminum~~ tool is not applied with a coating.
17. (Currently Amended) The method of claim 16 wherein the grained side of the ~~aluminum~~ tool forms the textured outer surface on the engine cover and the second side forms an inner surface that is raw polyurethane foam.
18. (Currently Amended) The engine cover of claim 1 further comprising a series of molded apertures to help secure the engine cover to the engine.
19. (Previously Presented) The engine cover of claim 8 further comprising a series of molded apertures through the engine cover adapted to secure the engine cover to the engine.
20. (Previously Presented) The engine cover of claim 9 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the engine cover does not sag when installed on the engine.

REMARKS

Several amendments are proposed to cover all claims. An exterior engine cover is proposed in the engine cover claims 1-9. Cited Patent 6,875,066 (Wolaver) and Patent 6,481,490 (Vihtelic) do not disclose or suggest an exterior cover. Next, the distinct "protrusions" are reinforced in claims 2, 7, 14 and 20, as well as apertures molded in the engine cover per amended claims 2, 14 and 18. The Wolaver cover is secured inside a cowl or panel without these features. Further, as detailed more below, claims 8 -20 are proposed to claim a land vehicle engine cover, which is distinct from the Wolaver out board boat motor.

The "Amendment and Response with Continuing Application" included amendments to the specification and to the claims. While it appears that the examiner examined the latest set of claims, the "Amendments to the Claims" attached to the Office Action as "O.K. to Enter" are the previously presented set of claims (from February 10, 2011) before the continuing application. The applicant would like to discuss whether the previously proposed amendment to the specification including whether adding a "cross-reference" is necessary for an RCE. But these currently proposed claims will ideally be entered with a Notice of Allowance.

Several distinctions are reinforced to overcome the current rejections in the Office Action. The most recently amended claims asserted that the engine cover is "used as an external cover" (claim 1) and "adapted to externally cover a portion of the engine," which remain in the claims. But the proposed "exterior" language is hopefully suitable to the examiner that claims the distinction (from internal or under cowlings of the cited prior art). The different initial adjective clearly distinguishes the claimed engine cover from a foam under a cowl and an internal mold piece, in addition to being "external" to the engine being covered per the apparent

interpretation. Also, the discarded "aesthetically" textured and show quality surface reinforced the visible, outer (no cowl) aspect, but the proposed change of "show-quality" to "exposed to the environment" or "visible ... when installed" is intended to reinforce this distinction without using discouraged adjectives.

Further to distinguish the boat engine cowling of Wolaver, claims 8-9 and 10-17, 19-20 are proposed to claim a land vehicle engine cover. The engine orientation of an outboard motor and an engine in an automotive engine compartment are dissimilar with different required characteristics, including asserted UV protection, etc. for surfaces exposed to the environment of the engine compartment and not secured inside a cowl.

Next, the Office Action did not clearly present an engine cover with one inner side raw polyurethane and one outer textured and coated, and this was not pointed out in earlier Office Action rejections (per claims 5, 6, 9, 16 and 17). One side raw open cell and the other with a denser coating (i.e. paint) have beneficial noise absorption characteristics as suggested by the patent application.

Similarly, per claims 7 and 20, the protrusions as claimed were not previously pointed out in the cited art, and no citation for this feature is offered in the office action. As noted in our last response, Wolaver is a surface fit (internal) cover fixed inside a cowl or panel, and it has smooth surfaces of Figures 2 and 3, which do not have any protrusions, particularly as presently claimed. Claims 2 and 14 are proposed to be amended to reinforce this "protrusion" distinction and the "in-molded" apertures, rather than rivets or screws to secure the cover to a cowl or panel, rather than to the engine being covered. Per claims 18-19, the molded apertures through the engine cover are adapted to secure the engine cover to the engine, not a cowl.

The Office Action did not comment on the detailed declaration countering

obviousness that was submitted with the continuing application. The inventors can provide an update to commercial success and other factors weighing against obviousness at the interview. For claims 8-17, 19-20, the conventional automotive engine covers can be 2.5 times the weight of engine covers per this application (per Inventors' Declaration paras. 3 and 4). The entire Inventors' Declaration reinforces non-obviousness with an emphasis on the land vehicle industry per amended claims 8-17, 19-20.

In view of the foregoing proposed amendments and remarks, counsel and certain inventors look forward to a discussion of these issues and a personal interview at an agreeable time (preferably on November 28, 29 or December 5, 6, 8, 9, 12 or 13.)

Respectfully Submitted,

November 2, 2011


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19,505,026.1\138057-00003
10/19/11

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Examiner Keith Coleman	571-273-8300

FROM	Timothy J. Engling	C/M NO.	138057-00003
		USER NO.	3855
TELEPHONE	(312) 460-4241	DATE	November 2, 2011

COMMENTS	Examiner: Keith Coleman Application No.: 12/646,667 Inventor Name: Keith Byer Art Unit: 3783
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/646,667 12/23/2009 Keith J. Byer 138057-3 1550

84346 7590 10/05/2011
MILLER, CANFIELD, PADDOCK AND STONE
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SUITE 5000
KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT PAPER NUMBER

3783

MAIL DATE DELIVERY MODE

10/05/2011

PAPER

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.

Office Action Summary	Application No. 12/646,667	Applicant(s) BYER ET AL.	
	Examiner KEITH COLEMAN	Art Unit 3783	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 20 September 2011.
- 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) 1-20 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) 1-20 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ 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).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/2011 has been entered.

Claim Rejections - 35 USC § 103

- 1. Claims 1-9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolaver (US Patent No. 6,875,066).**

With regards to claims 1-3, 5, 6, and 7, the patent to Wolaver discloses all the limitations of the claimed subject matter including a core of medium density polyurethane (i.e. engine cover 26 externally covers the engine, See Col. 4, Lines 25-33); and an *aesthetically* textured outer surface with an embedded **protective** coating (i.e. film surface obviously acts as a protective coating, See Col. 4, Lines 55-60) **that is denser than the core** (i.e. the interior space of the cover or core is obviously less dense than the cover itself), except positively disclosing *wherein the outer surface has a show-quality outer surface appearance*.

Art Unit: 3783

Per MPEP 2144.04 (I), it is well known that aesthetic design changes which have no mechanical function cannot be relied upon to patentably distinguishable. See *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) (Claim was directed to an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waist up which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of a human body. Appellant argued that certain limitations in the upper part of the body, including the arrangement of the arms, were not taught by the prior art. The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.).

Based on the discussion above, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the outer surface of the engine cover with a *show-quality outer surface appearance*, in order to improve ergonomically and the modification is invariably an aesthetic design change.

With regards to claims 4, 8, and 9, the patent to Wolaver discloses wherein the core is high temperature polyurethane with a density of 5-13 PCF (See Col. 5, Lines 55-60).

With regards to claims 18-20, the patent to Wolaver discloses a series of molded apertures (i.e. screws, rivets, See Col. 4, Lines 17-20) through the engine cover

Art Unit: 3783

adapted to secure the engine cover to the engine (i.e. as discussed on Col. 4, Lines 17-20, the cover is attached through rivets and are deemed as apertures).

2. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolaver (US Patent No. 6,875,066) in view of Vihtelic et al. (US Patent No. 6,481,490)

With regards to claims 10, 13, 14, 16, and 17, the patent to Vihtelic et al. discloses all the limitations of the claimed subject matter including applying mold release to an aluminum tool having a grained side (i.e. aluminum mold, See Col. 4, Lines 40-45), applying coating (i.e. mold release, See Col. 5, Lines 5-15) to the grained side of the aluminum tool that is applied with mold release (See Col. 5, Lines 5-15), dispensing foam into a cavity **including the grain side** of the aluminum tool (i.e. aluminum mold, See Col. 4, Lines 40-45), allowing foam to expand in the cavity and cure, controlling temperature of the aluminum tool during expanding and curing of the foam (See Col. 6, Lines 28-33) **and the second side forms an inner surface that is raw polyurethane foam (i.e. the inner portion of the cover is raw polyurethane foam)** except positively disclosing extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece.

Art Unit: 3783

The patent to Wolaver discloses an engine cover having a textured surface with the coating (i.e. via mold casting as discussed on Col. 6, Lines 10-20), wherein the engine cover is a single piece (i.e. engine cover 26, See Col. 4, Lines 25-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the aluminum cast of Vihtelic et al. with extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece in view of the teaching to Wolaver, in order to manufacture the engine cover (See Col. 4, Lines 25-33).

With regards to claims 11, 12, and 15, the combination of Vihtelic et al. and Wolaver discloses all the limitations of the claimed subject matter including Wolaver disclosure of wherein the coating is urethane-based paint (i.e. film surface, See Col. 4, Lines 55-60), wherein the coating is .0008-. 10" thick (See Col. 4, Lines 55-40), wherein the foam is high temperature polyurethane with a density of 5-1 3 PCF (See Col. 5, Lines 55-60).

Response to Arguments

Applicant's arguments filed 9/20/2011 have been fully considered but they are not persuasive.

Art Unit: 3783

With regards to Applicant's arguments on Page 1 regarding external cover limitations and aesthetically textured, Examiner still maintains that the claimed subject is obvious over the cited art.

By definition as shown below, "aesthetically" does not imply any mechanical function as argued on Pages 1 and 2.

"having a sense of the beautiful; characterized by a love of beauty."

Under MPEP 2114, the claimed subject matter must differ from the prior art structurally, not functionally. As such, the 103 rejection is maintained.

As to the newly added claims 18-20, the cited reference explicitly teaches rivets to be used with the cover on Col. 4, Lines 17-20 and deemed obvious over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH COLEMAN whose telephone number is (571)270-3516. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on 571-292-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3783

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAC
/K. C./
Examiner, Art Unit 3783

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3783

<i>Index of Claims</i> 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	11/07/2010	02/20/2011	09/27/2011					
	1	✓	✓	✓					
	2	✓	✓	✓					
	3	✓	✓	✓					
	4	✓	✓	✓					
	5	✓	✓	✓					
	6	✓	✓	✓					
	7	✓	✓	✓					
	8	✓	✓	✓					
	9	✓	✓	✓					
	10	✓	✓	✓					
	11	✓	✓	✓					
	12	✓	✓	✓					
	13	✓	✓	✓					
	14	✓	✓	✓					
	15	✓	✓	✓					
	16	✓	✓	✓					
	17		✓	✓					
	18			✓					
	19			✓					
	20			✓					

Amendments to the Claims

Please amend the claims as follows:

What is claimed is:

1. (Currently Amended) An engine cover adapted to be used on top of an engine comprising:
a core of medium density polyurethane; and
~~a~~an aesthetically textured outer surface with an embedded coating
wherein the outer surface has a show-quality outer surface appearance.
2. (Original) The engine cover of claim 1 wherein the engine cover is a single piece.
3. (Currently Amended) The engine cover of claim 1 wherein the coating is in-molded urethane-based paint that provides consistent color, gloss and UV protection on the outer surface.
4. (Currently Amended) The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF and provides a high level of sound absorption in close association with the engine.
5. (Currently Amended) The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating, wherein the inner surface faces the engine.
6. (Original) The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.
7. (Currently Amended) The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage ~~an~~ the engine so the outer surface does not sag when installed on the engine.
8. (Currently Amended) A noise abatement engine cover for an engine comprising:
a core of medium density foam with a density of 5-13 PCF that provides a high level of sound absorption in close association with the engine; and

a textured outer surface with an embedded coating that provides color and UV protection; wherein the engine cover is an integral piece.

9. (Original) The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine does not have a coating and is raw polyurethane foam.

10. (Currently Amended) A method of making an engine cover with a textured surface including steps of:

- applying mold release to an aluminum tool having a grained side,
- applying coating to the grained side of the aluminum tool that is applied with mold release,
- dispensing foam into a cavity of the aluminum tool,
- allowing foam to expand in the cavity and cure, and
- extracting from the tool the engine cover having a the textured surface with the coating.

11. (Original) The method of claim 10 wherein the coating is urethane-based paint.

12. (Currently Amended) The method of claim 10 wherein the coating is .0008–~~10²²~~ to .0025 inch thick.

13. (Original) The method of claim 10 including the additional step of controlling temperature of the aluminum tool during expanding and curing of the foam.

14. (Original) The method of claim 10 wherein the engine cover is a single piece.

15. (Original) The method of claim 10 wherein the foam is high temperature polyurethane with a density of 5-13 PCF.

16. (Original) The method of claim 10 where a second side of the aluminum tool is not coated with a coating.

17. (new) The method of claim 10 wherein the cavity forms the shape of the engine cover and the grained side of the aluminum tool forms the textured surface on the engine cover.

EAST Search History


EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	841	(264/320,241,157,299,129,136,160,137,145,40.4 524/492,589 123/198E,41.7,195C,400).cls. and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 16:19
L2	55	(264/320,241,157,299,129,136,160,137,145,40.4 524/492,589 123/198E,41.7,195C,400).cls. and engine near3 cover and foam	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 16:30
L3	9	(264/320,241,157,299,129,136,160,137,145,40.4 524/492,589 123/198E,41.7,195C,400).cls. and engine near3 cover and foam and mold	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 16:32
L4	1	((keith) near2 (byer)).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 16:32
L5	238	((mark) near2 (arthurs)).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 16:33

L6	74	((john) near2 (bull)).inv.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 17:21
S1	9	"6,875,066"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/09/27 15:52

9/27/2011 5:25:41 PM

C:\Documents and Settings\kcoleman\My Documents\EAST Workspaces\12646667.wsp

Search Notes 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

SEARCHED			
Class	Subclass	Date	Examiner
264	320,241,157,299,129,136,160,137,145,40.4,	9/27/2011	Keith A Coleman
524	492,589	9/27/2011	Keith A Coleman
123	198E,41.7,195C,400	9/27/2011	Keith A Coleman

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name search in PALM	9/27/2011	Keith A Coleman

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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

Request for Continued Examination (RCE) Transmittal	Application Number	12/646,667
	Filing Date	December 23, 2009
	First Named Inventor	Keith J. Byer
	Art Unit	3783
	Examiner Name	Coleman, Keith A.
Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Number	138057/00003

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

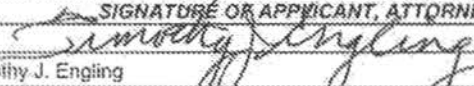
- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/ Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
- Miscellaneous**

 - a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - b. Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

 - a. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 503654.
 - i. RCE fee required under 37 CFR 1.17(e)
 - ii. Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$ _____ enclosed
 - c. Payment by credit card (Form PTO-2039 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	September 20, 2011
Name (Print/Type)	Timothy J. Engling	Registration No.	39970

CERTIFICATE OF MAILING OR TRANSMISSION		
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: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.		
Signature		Date
Name (Print/Type)		Date

This collection of information is required by 37 CFR 1.114. 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(138057-3.1)

Applicant: Byer, Keith et al. **Application:** 12/646,667
Art Unit: 3783 **Examiner:** Coleman, Keith A.
Filing Date: December 23, 2009
Title: Noise Abatement Engine Cover

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

Amendment and Response with Continuing Application

The following amends the continuing application of the above captioned patent application. Applicant submits a response and declaration traversing the anticipation and obviousness rejections. The applicant would like to schedule an examiner's interview to discuss this patent application, if not readily allowed based on this submission.

Per 37 C.F.R. § 1.114, a Request for Continued Examination and the appropriate fee are included with this Amendment and Response. Reconsideration of the application is respectfully requested in view of the amendments, the inventors' declaration, and the remarks as indicated below.

Amendments to the specification begin on page 2 and amendments to the claims begin on page 3, with the remarks beginning on page 6.

Amendments to the Specification

Please amend the specification including adding a cross-reference as follows:

Cross-Reference to Related Application

[0001] This application is a continuing application of U.S. Patent Application 12/646,667, filed December 23, 2009.

[0022] The engine cover 10 may have a series of apertures 18, 20 and 22 as clearance holes or potentially to help secure the engine cover 10 to an engine. Attachment element 36 can be used as an attachment feature to secure the engine cover 10 to an engine. The engine cover 10 may have a depression 24 on a portion of the top outer surface 12 that is a pocket or recess for a name plate, label, logo or badge.

Amendments to the Claims

Please amend the claims as follows:

What is claimed is:

1. (Currently Amended) An engine cover adapted to be used as an external cover on top of an engine comprising:
a core of medium density polyurethane; and
an aesthetically textured outer surface with an embedded protective coating that is denser than the core
wherein the outer surface has a show-quality outer surface appearance.

2. (Original) The engine cover of claim 1 wherein the engine cover is a single piece.

3. (Currently Amended) The engine cover of claim 1 wherein the protective coating is in-molded urethane-based paint that provides consistent color, gloss and UV protection on the outer surface.

4. (Currently Amended) The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF and provides a high level of sound absorption in close association with the engine being covered.

5. (Currently Amended) The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating, wherein the inner surface faces the engine when the engine cover is installed.

6. (Original) The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.

7. (Currently Amended) The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the engine cover does not sag when installed on the engine.

8. (Currently Amended) A noise abatement engine cover for an engine comprising:
a core of medium density foam with a density of 5-13 PCF that provides a high level of sound absorption in close association with the engine being covered; and
a textured outer surface with an embedded protective coating that provides color and UV protection;
wherein the engine cover is an integral piece adapted to externally cover a portion of the engine.

9. (Currently Amended) The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine when installed does not have a coating and is raw polyurethane foam.

10. (Currently Amended) A method of making an engine cover with a textured outer surface including steps of:

applying mold release to an aluminum tool having a grained side,
applying coating to the grained side of the aluminum tool that is applied with mold release,

dispensing foam into a cavity including the grained side of the aluminum tool, the cavity forming the shape of the engine cover,

allowing foam to expand in the cavity and cure, and

extracting from the tool the engine cover having the textured outer surface with the in-mold applied coating that provides protection as an outer surface of at least a portion of the engine cover.

11. (Currently Amended) The method of claim 10 wherein the coating is urethane-based paint that provides consistent color, gloss and UV protection on the outer surface of the engine cover.

12. (Previously Amended) The method of claim 10 wherein the coating is .0008 to .0025 inch thick.

13. (Original) The method of claim 10 including the additional step of controlling temperature

of the aluminum tool during expanding and curing of the foam.

14. (Original) The method of claim 10 wherein the engine cover is a single piece.

15. (Original) The method of claim 10 wherein the foam is high temperature polyurethane with a density of 5-13 PCF.

16. (Currently Amended) The method of claim 10 where a second side of the aluminum tool is not coated applied with a coating.

17. (Currently Amended) The method of claim ~~10~~ 16 wherein ~~the cavity forms the shape of the engine cover and~~ the grained side of the aluminum tool forms the textured outer surface on the engine cover and the second side forms an inner surface that is raw polyurethane foam.

18. (New) The engine cover of claim 1 further comprising a series of apertures to help secure the engine cover to the engine.

19. (New) The engine cover of claim 8 further comprising a series of molded apertures through the engine cover adapted to secure the engine cover to the engine.

20. (New) The engine cover of claim 9 having protrusions extending from the inner surface adapted to engage the engine being covered so the outer surface of the engine cover does not sag when installed on the engine.

REMARKS

Independent Claims 1, 8 and 10 are amended. Other dependent claims are also amended. Claims 18 - 20 are added from the previous application.

The final Office Action rejected all prior claims based on prior art patents. Claims 1-9 were rejected as being anticipated based on the U.S. Patent 6,875,066 (Wolaver), and method claims 10-17 were rejected by combining that patent with U.S. Patent 6,481,490 (Vihtelic). Wolaver discloses sound insulation benefits, but insulation is hidden behind a cowl 12 and panels 17 and 19 without the need of characteristics of an external cover with an exposed surface, and Vihtelic discloses an internal foam pattern for making a shape in a casting. The present engine cover claims include that the engine cover is an external cover with an outer textured surface that functions on its own. (Inventors' declaration para. 5).

The previously cited patents do not disclose textured surfaces that function as outer surfaces with high quality appearances. The "appearance" distinction is one of degree with associated characteristics asserted for an external cover.

Previously, claim 1 added that the outer surface has a show-quality outer surface appearance. The outer surface distinguishes the cited prior art. (Inventors' declaration paras. 5-13). Claim 8 also includes that distinguishing outer surface, now clarified as an external cover for an engine. The characteristics of the outer surface on a medium density core as claimed are features solving needs of vehicle manufacturers and causing commercial success of the engine covers. (Inventors' declaration paras. 4 and 14).

The aesthetic rejection per the final Office Action is incomplete. It is not true that the outer surface features as claimed have no mechanical functions. Rather, they have beneficial characteristics in the claims, such as UV protection (see claim 3), that are not relevant to the cited prior art internal molds of the cited patents. Being show-quality and "aesthetically textured" distinguishes outer surfaces of other molded foams that have other functions. Still further the surface features help distinguish the cited prior art. The cited MPEP section continues:

But see ** Ex parte Hilton, 148 USPQ 356 (Bd. App. 1965) (Claims were directed to fried potato chips with a specified moisture and fat content, whereas the prior art was directed to french fries having a higher moisture content. While recognizing that in some cases the particular shape of a product is of no patentable significance, the Board held in this case the shape (chips) is important because it results in a product which is distinct from the reference product (french fries).).

As with the present claimed distinctions, the claimed outer surface results in a product that is distinct with distinct characteristics from the cited prior art patents.

Several claimed aspects, such as the outer surface with a textured coated surface and the inner surface being raw polyurethane foam, are not referenced in the cited art. The dual surface aspect with one portion having an in-mold protective coating with the other side being uncoated or raw polyurethane are not found in the cited prior art. (Wolaver discloses a film (skin) surface on the entire piece). The uncoated or raw foam per claims 5, 6, 9, 16 and 17 allows the disclosed noise abatement properties of medium density foam to be maximized while the opposite coating may have sound reflective properties and desirable outer surface characteristics.

Similarly, claims 7 and 20 are specific with protrusions on the inner surface, which are not in the drawings or disclosure of the cited patents. The mere conclusion

that these features are in the cited patent are not supported by any references to where they are shown. Wolaver is a surface fit insulation secured by panels. (Wolaver Abstract). The final Office Action does not indicate where protrusions are disclosed in the cited patents. The applicant sufficiently distinguishes the cited prior art with the claimed features.

Regarding obviousness, the applicants submit a declaration supporting non-obviousness, including that conventional engine covers can be 2.5 times the weight of engine covers per this application. (Inventors' declaration para. 3). An example includes a prior art engine cover weighing 4.5 pounds while an engine cover made per the present disclosure is approximately two pounds. Reduction in mass is detailed in the patent application. Numerous other advantages are disclosed in the specification, including noise abatement enhancements and consistent color and gloss, which are included in certain claims.

Also, the commercial success of the engine cover based on claimed features is submitted in the declaration. (Inventors' declaration paras. 14-15). The commercial success is due to claimed features, such as having light weight foam core and having a coating as claimed and other functions and advantages disclosed in the Summary.

Finally, acceptance of the advantages and needs being met (as claimed) by at least three of the four top automobile manufacturers weighs against alleged obviousness. (Inventors' declaration paras. 15-21). The approval process for new automobile components is not a quick process, but the new claimed engine cover has been recognized and gained acceptance for its claimed novel features. (Inventors' declaration paras. 15-21) Numerous factors weigh against a finding of obviousness of

the claimed engine cover and the related method, in addition to, the cited prior art not showing or suggesting the elements and limitations in the current claims.

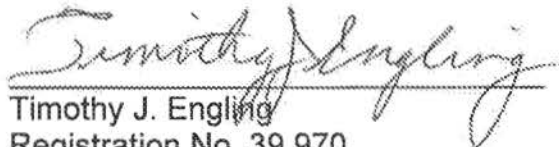
CONCLUSION

The applicant paid the fees for a continuing RCE application, but if necessary, please make credits or charge any deficiencies to Deposit Account 503654 with reference to our Attorney Docket No. 138057-3.1. The RCE is filed before "abandonment of the application" per 37 CFR 1.114 so no extension of time seems warranted, but if required, charge any extension fee to Deposit Account 503654.

Accordingly, the claims of patent application entitled "Noise Abatement Engine Cover" as amended are in condition for issuance. The Applicant therefore respectfully requests a Notice of Allowance.

Respectfully Submitted,

September 20, 2011



Timothy J. Engling
Registration No. 39,970
Miller, Canfield, Paddock and Stone P.L.C.
225 W. Washington Street, Suite 2600
Chicago, IL 60606
Direct: 312.460.4241

19,358,195.1\138057-00003 08/24/11

DECLARATION IN SUPPORT OF NON-OBVIOUSNESS

Application Title: Noise Abatement Engine Cover

Inventors: Keith Byer, Mark Arthurs and John Bull

.....
In support of the continuing patent application and its allowance:

1. We, the inventors, hereby declare that we reviewed and understand the contents of the specification and the amended claims, and we are knowledgeable about the subject matter that is claimed in the continuing application of U.S. patent application 12/646,667 and for which a patent is sought on the inventions for an engine cover and a related method.
2. A core of "medium density polyurethane" is lighter than a core of heavy density materials. It has noise abatement properties as disclosed in the patent application.
3. A conventional engine cover can be 2.5 times the weight of engine covers per this application. An example includes a prior art engine cover weighing 4.5 pounds while an engine cover made per the present disclosure is approximately two pounds.
4. The automobile industry is seeking lighter vehicles to be more fuel efficient. Prior engine covers did not sufficiently meet this need.
5. The final Office Action rejected all prior claims based on two cited prior art patents. Claims 1-9 were rejected as being anticipated based on the U.S. Patent 6,875,066 (Wolaver), and method claims 10-17 were rejected by combining that patent with U.S. Patent 6,481,490 (Vihtelic). Wolaver discloses sound insulation benefits, but insulation is hidden behind a cowl 12 and panels 17 and 19 without the need of characteristics of an external cover with an exposed surface, and Vihtelic discloses an internal foam pattern for making a shape in a casting. The present engine cover claims include that the engine cover is an external cover with a textured outer surface that functions on its own.
6. The cited prior art patents do not show an engine cover adapted to be an external cover as claimed.
7. The quality appearance is required by certain automobile manufacturers without sacrificing desired characteristics, such as noise abatement and light weight.
8. A major U.S. auto manufacturer requires a surface for an engine cover that it refers to as 1st surface quality, i.e. interior quality, which is not achievable with just foam.
9. The subject matter of the claimed "textured outer surface with an embedded protective coating" is not disclosed in any cited prior art. The cited patents do not disclose textured surfaces that function as outer surfaces with high quality appearances. This advantage is disclosed in the pending application in the Summary.

10. The cited prior art patents do not suggest or even make obvious to try to produce an engine cover with one side having a protective coating with the other side uncoated or raw foam.

11. An inner surface being raw polyurethane foam with an outer surface with a textured coated surface is not referenced in the cited art. The dual surface aspect with one portion having an in-mold protective coating with the other side being raw polyurethane are not found in the cited prior art.

12. The raw polyurethane foam side has noise abatement and other benefits, such as vibration control, being adjacent to the engine, while the textured coated surface has additional benefits as disclosed in the specification.

13. As claimed, protrusions on the inner surface are not disclosed in the cited patents. The mere conclusion that these features are in the cited patent are not supported by any references to where they are shown. Wolaver is a surface fit insulation secured by panels without a need for protrusions as claimed.

14. The engine cover is a commercial success, which is based on claimed features of medium density polyurethane and an outer surface as claimed with the functions and advantages described in the Summary.

15. Additional evidence submitted to traverse the obviousness rejection per 37 CFR 1.132 include photographs of engine covers made for a major automotive company to show success of the claimed engine cover. (Attachment 1). The Ford Edge engine compartment is shown with a circle surrounding the foam engine cover bearing the Ford oval logo.

16. Also, Attachment 2 shows the outer side with its show-quality outer surface appearance, and Attachment 3 shows the inner surface as raw foam having protrusions extending from that inner surface.

17. For Ford Motor Company, at least eight engine covers as claimed are in production for 2011-2012.

18. Another top four major automobile manufacturer has an engine cover as claimed in its development verification phase for its 2013 model year. Approval is expected by the end of this year.

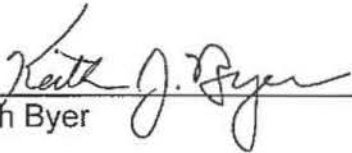
19. Yet another top four major automobile manufacturer has an engine cover as claimed being evaluated for U.S. production and export for its 2015 model year.

20. At least three of the top four U.S. automobile manufacturers recognize that the engine cover as claimed in the patent application outperforms current hard plastic covers.

21. Improvements of the claimed engine cover include mass reduction, noise abatement and better appearance, including color and gloss, as detailed in the patent application.


We further declare that all statements made herein of our own knowledge are true and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,



Keith Byer

September 20 2011
Date



Mark Arthurs

September 20 2011
Date

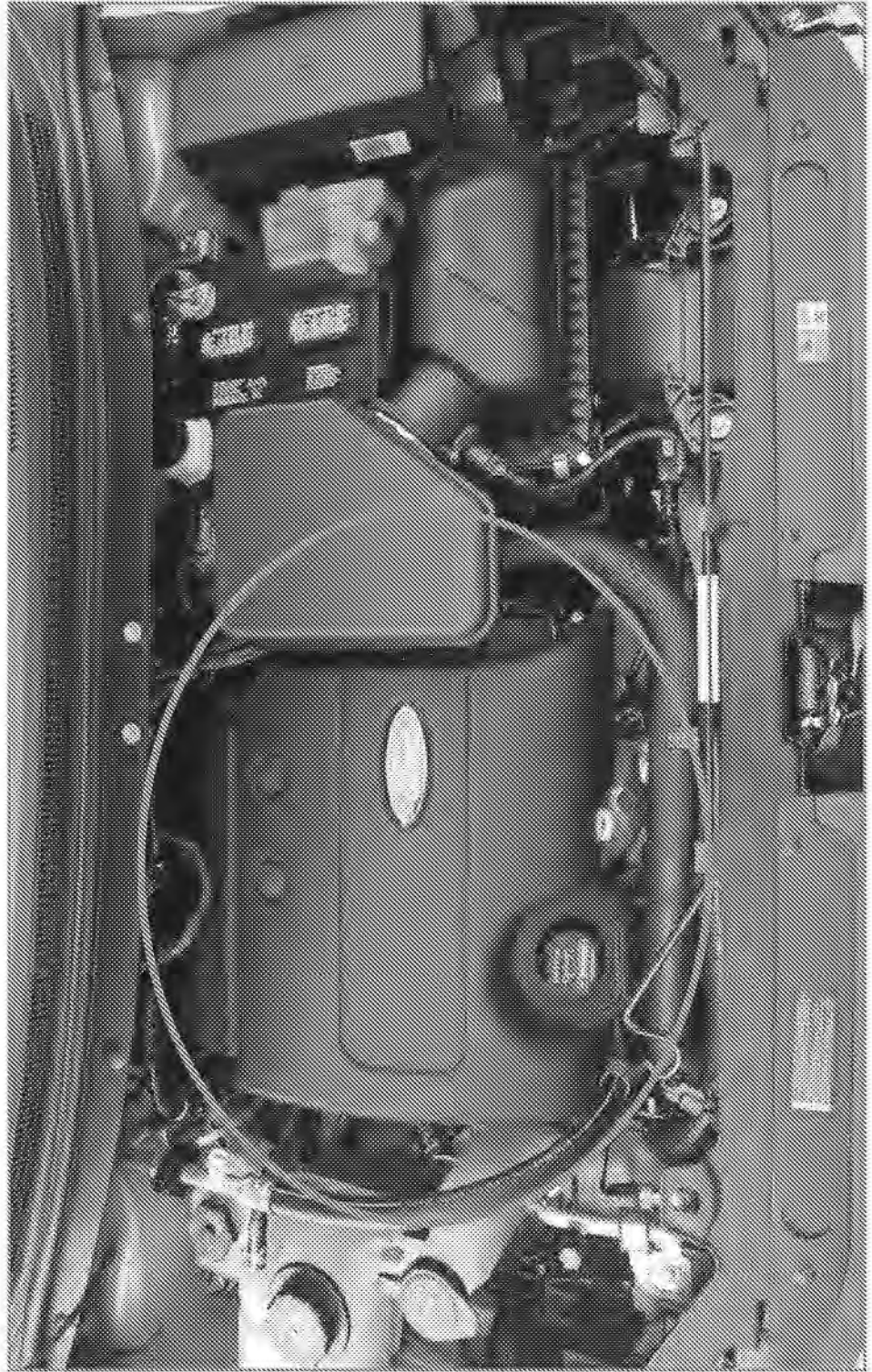


John Bull

September 20 2011
Date

19,386,515.1\138057-00003
09/06/11

Eagle Industries, Inc.
Ford Edge Foam Engine Cover







Electronic Patent Application Fee Transmittal

Application Number:	12646667
Filing Date:	23-Dec-2009
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J. Byer
Filer:	Timothy J. Engling/k horn
Attorney Docket Number:	138057-3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				405

Electronic Acknowledgement Receipt

EFS ID:	10988624
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/k horn
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	20-SEP-2011
Filing Date:	23-DEC-2009
Time Stamp:	14:01:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$405
RAM confirmation Number	318
Deposit Account	503654
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		RCEfor12646667.pdf	2719873 b1b0a4a54813023c7c5740de3b65b83b20804383	yes	16
Multipart Description/PDF files in .zip description					
		Document Description	Start	End	
		Request for Continued Examination (RCE)	1	1	
		Amendment After Final	2	16	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30172 c9aa7fddba4c81efdac88fca272d3e9669c2e64c	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			2750045		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/646,667	Filing Date 12/23/2009	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	**	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	09/20/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 20	Minus ** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus *** 3	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

Legal Instrument Examiner:
 /DORRETTA BROOKS/

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/646,667	12/23/2009	Keith J. Byer	138057-3

CONFIRMATION NO. 1550

PUBLICATION NOTICE



84346
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

Title: Noise Abatement Engine Cover

Publication No. US-2011-0146616-A1

Publication Date: 06/23/2011

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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.
12/646,667	12/23/2009	Keith J. Byer	138057-3	1550

84346 7590 03/21/2011
 MILLER, CANFIELD, PADDOCK AND STONE
 277 SOUTH ROSE STREET
 SUITE 5000
 KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT	PAPER NUMBER
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3783

MAIL DATE	DELIVERY MODE
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03/21/2011

PAPER

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.

Office Action Summary

Application No. 12/646,667	Applicant(s) BYER ET AL.	
Examiner KEITH COLEMAN	Art Unit 3783	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 2/10/2011.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
a) All b) Some * c) None of:
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)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolaver (US Patent No. 6,875,066).**

With regards to claims 1-3, 5, 6, and 7, the patent to Wolaver discloses all the limitations of the claimed subject matter including a core of medium density polyurethane (i.e. engine cover 26, See Col. 4, Lines 25-33); and an *aesthetically* textured outer surface with an embedded coating (i.e. film surface, See Col. 4, Lines 55-60), except positively disclosing *wherein the outer surface has a show-quality outer surface appearance*.

Per MPEP 2144.04 (I), it is well known that aesthetic design changes which have no mechanical cannot be relied upon to patentably distinguishable. See *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947) (Claim was directed to an advertising display device comprising a bottle and a hollow member in the shape of a human figure from the waist up which was adapted to fit over and cover the neck of the bottle, wherein the hollow member and the bottle together give the impression of a human body. Appellant argued that certain limitations in the upper part of the body, including the arrangement of the arms, were not taught by the prior art. The court found that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.).

Art Unit: 3783

Based on the discussion above, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the outer surface of the engine cover with a *show-quality outer surface appearance*, in order to improve ergonomically and the modification is invariably an aesthetic design change.

With regards to claims 4, 8, and 9, the patent to Wolaver discloses wherein the core is high temperature polyurethane with a density of 5-13 PCF (See Col. 5, Lines 55-60).

2.

3. **Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolaver (US Patent No. 6,875,066) in view of Vihtelic et al. (US Patent No. 6,481,490)**

With regards to claims 10, 13, 14, 16, and 17, the patent to Vihtelic et al. discloses all the limitations of the claimed subject matter including applying mold release to an aluminum tool having a grained side (i.e. aluminum mold, See Col. 4, Lines 40-45), applying coating (i.e. mold release, See Col. 5, Lines 5-15) to the grained side of the aluminum tool that is applied with mold release (See Col. 5, Lines 5-15), dispensing foam into a cavity of the aluminum tool (i.e. aluminum mold, See Col. 4, Lines 40-45), allowing foam to expand in the cavity and cure, controlling temperature of the aluminum tool during expanding and curing of the foam (See Col. 6, Lines 28-33)

Art Unit: 3783

except positively disclosing extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece.

The patent to Wolaver discloses an engine cover having a textured surface with the coating (i.e. via mold casting as discussed on Col. 6, Lines 10-20), wherein the engine cover is a single piece (i.e. engine cover 26, See Col. 4, Lines 25-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the aluminum cast of Vihtelic et al. with extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece in view of the teaching to Wolaver, in order to manufacture the engine cover (See Col. 4, Lines 25-33)

With regards to claims 11, 12, and 15, the combination of Vihtelic et al. and Wolaver discloses all the limitations of the claimed subject matter including Wolaver disclosure of wherein the coating is urethane-based paint (i.e. film surface, See Col. 4, Lines 55-60), wherein the coating is .0008-. 10" thick (See Col. 4, Lines 55-40), wherein the foam is high temperature polyurethane with a density of 5-1 3 PCF (See Col. 5, Lines 55-60).

Response to Arguments

Applicant's arguments filed 2/10/2011 have been fully considered but they are not persuasive.

Art Unit: 3783

With regards to Applicant's arguments on Page 1 regarding the alleged lack of a teaching of casting foam, Examiner does not concur. The Vihtelic et al. reference has been cited for its explicit teaching of the same manufacturing process cited by Wolaver and both references used the same catalyzed urethane resin and isocyanate mixture (See Col. 6, Line 13 from Wolaver, Col. 3, Lines 50-65 from the table of Vihtelic et al. [isocyanate index formulation is on Col. 3, Lines 35-40]) Therefore, one of ordinary skill in the art based on the teachings from both references would have known that an engine cover could be manufactured from a catalyzed urethane resin and isocyanate mixture foam and further known that the textured surfaces could be produced from the same casting and molding methods of Vihtelic et al. and obtain the desired patterns.

As such, this action is made final.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3783

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH COLEMAN whose telephone number is (571)270-3516. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on 571-292-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAC
/K. C./
Examiner, Art Unit 3783

Application/Control Number: 12/646,667

Page 7

Art Unit: 3783

/Michael Cuff/

Supervisory Patent Examiner, Art Unit 3783

<i>Index of Claims</i> 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	11/07/2010	02/20/2011						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
	9	✓	✓						
	10	✓	✓						
	11	✓	✓						
	12	✓	✓						
	13	✓	✓						
	14	✓	✓						
	15	✓	✓						
	16	✓	✓						
	17		✓						

Search Notes 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

SEARCHED			
Class	Subclass	Date	Examiner
264	320,241,157,299,129,136,160,137,145,40.4,	2/20/2011	Keith A Coleman
524	492,589	2/20/2011	Keith A Coleman
123	198E,41.7,195C,400	2/20/2011	Keith A Coleman

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name search in PALM	2/20/2011	Keith A Coleman

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	7	"6,875,066"	USPAT	OR	OFF	2011/02/20 21:53
L2	1	"6481490"	USPAT	OR	OFF	2011/02/20 22:06
L3	14	"5335717"	USPAT	OR	OFF	2011/02/20 22:20
L4	13	"5297615"	USPAT	OR	OFF	2011/02/20 22:21
L5	7	"6,875,066"	USPAT	OR	OFF	2011/02/20 22:28
L6	14	264/320,241,157,299,129,136,160,137,145,40.4.ccls. and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/20 22:37
L7	3	(524/492,589.ccls. not 264/320,241,157,299,129,136,160,137,145,40.4.ccls.) and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/20 22:39
L8	348	(123/198E.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/20 22:39

L9	38	(123/198E.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover and foam	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/20 22:40
L10	1	(123/198E,41.7,195C,400.ccls. not (524/492,589 264/320,241,157,299,129,136,160,137,145,40.4).ccls.) and engine near3 cover and foam and mold	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2011/02/20 22:51
L11	0	((KEITH) near2 (BYER)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/02/20 22:51
L12	0	((MARK) near2 (ARTHURS)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/02/20 22:51
L13	40	((JOHN) near2 (BULL)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2011/02/20 22:52

EAST Search History (Interference)

< This search history is empty >

2/20/2011 10:53:11 PM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(138057-3)

Applicant: Byer, Keith et al. **Application:** 12/646,667
Art Unit: 3783 **Examiner:** Coleman, Keith A.
Filing Date: December 23, 2009 **Confirmation:** 1550
Title: Noise Abatement Engine Cover

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

Response and Amendment

The following responds to the non-final Office Action mailed on November 12, 2010 in the above captioned patent application. Applicant responds within the three-month period to file this response.

Amendments to the claims begin on page 2, and the remarks begin on page 5.

Amendments to the Claims

Please amend the claims as follows:

What is claimed is:

1. (Currently Amended) An engine cover adapted to be used on top of an engine comprising:
a core of medium density polyurethane; and
~~a~~an aesthetically textured outer surface with an embedded coating
wherein the outer surface has a show-quality outer surface appearance.

2. (Original) The engine cover of claim 1 wherein the engine cover is a single piece.

3. (Currently Amended) The engine cover of claim 1 wherein the coating is in-molded urethane-based paint that provides consistent color, gloss and UV protection on the outer surface.

4. (Currently Amended) The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF and provides a high level of sound absorption in close association with the engine.

5. (Currently Amended) The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating, wherein the inner surface faces the engine.

6. (Original) The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.

7. (Currently Amended) The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage ~~an~~ the engine so the outer surface does not sag when installed on the engine.

8. (Currently Amended) A noise abatement engine cover for an engine comprising:
a core of medium density foam with a density of 5-13 PCF that provides a high level of sound absorption in close association with the engine; and

a textured outer surface with an embedded coating that provides color and UV protection; wherein the engine cover is an integral piece.

9. (Original) The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine does not have a coating and is raw polyurethane foam.

10. (Currently Amended) A method of making an engine cover with a textured surface including steps of:

- applying mold release to an aluminum tool having a grained side,
- applying coating to the grained side of the aluminum tool that is applied with mold release,
- dispensing foam into a cavity of the aluminum tool,
- allowing foam to expand in the cavity and cure, and
- extracting from the tool the engine cover having a the textured surface with the coating.

11. (Original) The method of claim 10 wherein the coating is urethane-based paint.

12. (Currently Amended) The method of claim 10 wherein the coating is .0008-~~10²²~~ to .0025 inch thick.

13. (Original) The method of claim 10 including the additional step of controlling temperature of the aluminum tool during expanding and curing of the foam.

14. (Original) The method of claim 10 wherein the engine cover is a single piece.

15. (Original) The method of claim 10 wherein the foam is high temperature polyurethane with a density of 5-13 PCF.

16. (Original) The method of claim 10 where a second side of the aluminum tool is not coated with a coating.

17. (new) The method of claim 10 wherein the cavity forms the shape of the engine cover and the grained side of the aluminum tool forms the textured surface on the engine cover.

REMARKS

Independent Claims 1, 8 and 10 are amended. Other dependent claims are also amended. Claim 17 is added.

The Office Action rejected all claims based on prior art patents, but no objections or rejections were raised based on form or format. Claims 1-9 were rejected as being anticipated based on the U.S. Patent 6,875,066 (Wolaver), and method claims 10-16 were rejected by combining that patent with U.S. Patent 6,481,490 (Vihtelic).

As amended, claim 1 adds that the outer surface has a show-quality outer surface appearance. The outer surface distinguishes the cited prior art. Claim 8 already includes that distinguishing outer surface, and sound absorption in proximity to the engine is added.

For obviousness, when relying on a modification or combining of prior art, it is incumbent upon the examiner to identify some suggestion to combine references or make the modification. Vihtelic is unrelated to the claimed method.

Regarding the method claims, Vihtelic relates to casting molten metals, and the foam is not a product but seemingly a pattern that dissolves in a lost core metal casting. Contrary to the suggestion in the Office Action, the Vihtelic patent has little to do with the claimed method. It does not disclose many of the claimed steps. The Vihtelic polymold forms a cavity in a mold. No engine cover is made or extracted with a textured surface with a coating. Foam is not dispensed into a cavity of the aluminum tool, which is then allowed to expand in the cavity and cure.

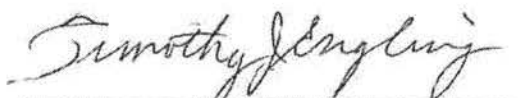
The application is commonly owned by Eagle Industries, Inc. by assignment from the joint inventors as recorded at Reel/Frame 023753/0037.

CONCLUSION

The applicant does not believe that any fees are due, but if necessary, please make credits or charge any deficiencies to Deposit Account 503654 with reference to our Attorney Docket No. 138057-3.

Accordingly, the claims of patent application entitled "Noise Abatement Engine Cover" as amended are in condition for issuance. The Applicant therefore respectfully requests a Notice of Allowance.

Respectfully Submitted,



Timothy J. Engling
Registration No. 39,970
Miller, Canfield, Paddock and Stone P.L.C.
225 W. Washington Street, Suite 2600
Chicago, IL 60606
Direct: 312.460.4241

February 10, 2011

18,786,809.1\138057-00003
02/03/11

Electronic Acknowledgement Receipt

EFS ID:	9419242
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J. Byer
Customer Number:	84346
Filer:	Timothy J. Engling/k horn
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	10-FEB-2011
Filing Date:	23-DEC-2009
Time Stamp:	15:31:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	OARespEagleInd2-10-11.pdf	75014 <small>file3f6adda4e8851c0fb6f5b84b843464ea87b24</small>	no	6

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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.
12/646,667	12/23/2009	Keith J. Byer	138057-3	1550

84346 7590 11/12/2010
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

EXAMINER

COLEMAN, KEITH A

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
11/12/2010	PAPER

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.

Office Action Summary	Application No. 12/646,667	Applicant(s) BYER ET AL.	
	Examiner KEITH COLEMAN	Art Unit 3783	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 December 2009 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
a) All b) Some * c) None of:
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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/2010</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolaver (US Patent No. 6,875,066).

With regards to claims 1-3, 5, 6, and 7, the patent to Wolaver discloses a core of medium density polyurethane (i.e. engine cover 26, See Col. 4, Lines 25-33); and a textured outer surface with an embedded coating (i.e. film surface, See Col. 4, Lines 55-60).

With regards to claims 4, 8, and 9, the patent to Wolaver discloses wherein the core is high temperature polyurethane with a density of 5-13 PCF (See Col. 5, Lines 55-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3783

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolaver (US Patent No. 6,875,066) in view of Vihtelic et al. (US Patent No. 6,481,490)

With regards to claims 10, 13, 14, and 16, the patent to Vihtelic et al. discloses all the limitations of the claimed subject matter including applying mold release to an aluminum tool having a grained side (i.e. aluminum mold, See Col. 4, Lines 40-45), applying coating (i.e. mold release, See Col. 5, Lines 5-15) to the grained side of the

Art Unit: 3783

aluminum tool that is applied with mold release (See Col. 5, Lines 5-15), dispensing foam into a cavity of the aluminum tool (i.e. aluminum mold, See Col. 4, Lines 40-45), allowing foam to expand in the cavity and cure, controlling temperature of the aluminum tool during expanding and curing of the foam (See Col. 6, Lines 28-33) except positively disclosing extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece.

The patent to Wolaver discloses an engine cover having a textured surface with the coating (i.e. via mold casting as discussed on Col. 6, Lines 10-20), wherein the engine cover is a single piece (i.e. engine cover 26, See Col. 4, Lines 25-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the aluminum cast of Vihtelic et al. with extracting a engine cover having a textured surface with the coating, wherein the engine cover is a single piece in view of the teaching to Wolaver, in order to manufacture the engine cover (See Col. 4, Lines 25-33)

With regards to claims 11, 12, and 15, the combination of Vihtelic et al. and Wolaver discloses all the limitations of the claimed subject matter including Wolaver disclosure of wherein the coating is urethane-based paint (i.e. film surface, See Col. 4, Lines 55-60), wherein the coating is .0008-. 10" thick (See Col. 4, Lines 55-40), wherein the foam is high temperature polyurethane with a density of 5-1 3 PCF (See Col. 5, Lines 55-60).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Hattori (US Patent No. 6,471,557) shows the current state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH COLEMAN whose telephone number is (571)270-3516. The examiner can normally be reached on 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Cuff can be reached on (571)272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAC
/K. C./
Examiner, Art Unit 3783

Application/Control Number: 12/646,667

Page 6

Art Unit: 3783

/Michael Cuff/

Supervisory Patent Examiner, Art Unit 3741

Notice of References Cited	Application/Control No. 12/646,667	Applicant(s)/Patent Under Reexamination BYER ET AL.	
	Examiner KEITH COLEMAN	Art Unit 3783	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,875,066	04-2005	Wolaver, Carl L.	440/77
*	B	US-6,471,557	10-2002	Hattori, Toshiyuki	440/88R
*	C	US-6,481,490	11-2002	Vihtelic et al.	164/516
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.




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

BIB DATA SHEET

CONFIRMATION NO. 1550

SERIAL NUMBER 12/646,667	FILING or 371(c) DATE 12/23/2009 RULE	CLASS 123	GROUP ART UNIT 3783	ATTORNEY DOCKET NO. 138057-3	
APPLICANTS Keith J. Byer, West Bloomfield, MI; Mark Arthurs, West Bloomfield, MI; John R. Bull, Orchard Lake, MI; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 01/12/2010					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/KEITH A COLEMAN/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY MI	SHEETS DRAWINGS 2	TOTAL CLAIMS 16	INDEPENDENT CLAIMS 3
ADDRESS MILLER, CANFIELD, PADDOCK AND STONE 277 SOUTH ROSE STREET SUITE 5000 KALAMAZOO, MI 49007 UNITED STATES					
TITLE Noise Abatement Engine Cover					
FILING FEE RECEIVED 462	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		


Search Notes 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

SEARCHED			
Class	Subclass	Date	Examiner
264	320,241,157,299,129,136,160,137,145,40.4,	10/25/2010	Keith A Coleman
524	492,589	10/25/2010	Keith A Coleman

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Name search in PALM	11/6/2010	Keith A Coleman

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Index of Claims 	Application/Control No. 12646667	Applicant(s)/Patent Under Reexamination BYER ET AL.
	Examiner KEITH COLEMAN	Art Unit 3783

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	11/07/2010							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							
	11	✓							
	12	✓							
	13	✓							
	14	✓							
	15	✓							
	16	✓							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	((KEITH) near2 (BYER)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/07 18:20
L2	133	((MARK) near2 (ARTHURS)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/07 18:21
L3	40	((JOHN) near2 (BULL)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/07 18:24
S1	7356	264/320,241,157,299.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 11:27
S2	4416	264/320,241.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 11:28
S3	2289	264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 11:32
S4	2127	264/241.ccls. not 264/320.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 12:08
S5	2940	264/157,299.ccls. not (264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 12:39
S6	4100	(264/129,136,160,137).ccls. not (264/157,299 264/241 264/320). ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 13:24

S7	3279	(264/129,136,160).ccls. not (264/157,299 264/241 264/320). ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 13:24
S8	1887	(264/137,145,40.4).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 16:45
S9	5634	(264/137,145,40.4 524/492,589). ccls. not (264/129,136,160 264/157,299 264/241 264/320). ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 16:45
S10	4141	(264/137,145,40.4 524/492).ccls. not (264/129,136,160 264/157,299 264/241 264/320). ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 16:45
S11	1887	(264/137,145,40.4).ccls. not (264/129,136,160 264/157,299 264/241 264/320).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/25 16:45
S12	2	"7765058"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/10/26 14:41
S13	15	("20020055811" "20040030458" "20040093155" "20040093264" "20050131597" "20050143876" "20050278055" "20060006990" "20060202808" "20060217993" "20070001831" "20070149184" "5220968" "6694806" "6925425").PN. OR ("7765058"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/10/26 14:41
S14	1	"7591973"	US-PGPUB; USPAT; USOCR	OR	ON	2010/10/26 16:07
S15	19	"4682672"	US-PGPUB; USPAT; USOCR	OR	ON	2010/10/26 16:08
S16	1	"6973897"	US-PGPUB; USPAT; USOCR	OR	ON	2010/10/26 16:08

EAST Search History (Interference)

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11/ 7/ 2010 6:26:36 PM

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Substitute for form 1449/PTO <h3 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h3> <p style="text-align: center;"><i>(Use as many sheets as necessary)</i></p>	<p style="text-align: center;">Complete if Known</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Application Number</td> <td>12/646,667</td> </tr> <tr> <td>Filing Date</td> <td>December 23, 2009</td> </tr> <tr> <td>First Named Inventor</td> <td>Keith J. Byer</td> </tr> <tr> <td>Art Unit</td> <td></td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>138057-00003</td> </tr> </table>	Application Number	12/646,667	Filing Date	December 23, 2009	First Named Inventor	Keith J. Byer	Art Unit		Examiner Name		Attorney Docket Number	138057-00003
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Filing Date	December 23, 2009												
First Named Inventor	Keith J. Byer												
Art Unit													
Examiner Name													
Attorney Docket Number	138057-00003												
Sheet 1 of 2													

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number <small>Number-Kind Code² (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-			
		US- 4,288,490	09-08-1981	Alfter, Franz-Werner, et al.	
		US- 4,584,232	04-22-1986	Frank, Werner, et al.	
		US- 4,863,791	09-05-1989	Steward, Raymond G., et al.	
		US- 2007/0287001	12-13-2007	Carlson, Larry, et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document <small>Country Code³ Number⁴ Kind Code⁵ (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶

Examiner Signature: /Keith Coleman/	Date Considered:	11/07/2010
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		Application Number	12/646,667
		Filing Date	December 23, 2009
		First Named Inventor	Keith J. Byer
		Art Unit	
		Examiner Name	
Sheet	2	of	2
		Attorney Docket Number	138057-00003

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		1.6L 16-Valve Aluminum Engine: Mini Cooper; Website: http://miniusa.com/build/configurator/mini_conv-m ; November 18, 2009; page 1 of 1	
		BAUR FORMSCHAUMTECHNIK: Polyurethan, Formteile, Schaumstoff; Website: http://www.formschaum.de/en/sites/prod/kaltschaum.htm ; November 19, 2009; pages 1 and 2	
		Carcoustics Automotive Products; Website: http://www.carcoustics.com/tech-consult/automotive-products.html ; November 19, 2009	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/646,667, 12/23/2009, 3741, 462, 138057-3, 16, 3

CONFIRMATION NO. 1550

FILING RECEIPT



84346
MILLER, CANFIELD, PADDOCK AND STONE
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO, MI 49007

Date Mailed: 01/13/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Keith J. Byer, West Bloomfield, MI;
Mark Arthurs, West Bloomfield, MI;
John R. Bull, Orchard Lake, MI;

Assignment For Published Patent Application

Eagle Industries, Inc.

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 01/12/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/646,667

Projected Publication Date: 06/23/2011

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Noise Abatement Engine Cover

Preliminary Class

123

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Art Unit													
Examiner Name													
Attorney Docket Number	138057-00003												
Sheet 1 of 2													

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
		US- 4,288,490	09-08-1981	Alfter, Franz-Werner, et al.	
		US- 4,584,232	04-22-1986	Frank, Werner, et al.	
		US- 4,863,791	09-05-1989	Steward, Raymond G., et al.	
		US- 2007/0287001	12-13-2007	Carlson, Larry, et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
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		Application Number	12/646,667
		Filing Date	December 23, 2009
		First Named Inventor	Keith J. Byer
		Art Unit	
		Examiner Name	
Sheet	2	of	2
		Attorney Docket Number	138057-00003

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		1.6L 16-Valve Aluminum Engine: Mini Cooper; Website: http://miniusa.com/build/configurator/mini_conv-m ; November 18, 2009; page 1 of 1	
		BAUR FORMSCHAUMTECHNIK: Polyurethan, Formteile, Schaumstoff; Website: http://www.formschaum.de/en/sites/prod/kaltschaum.htm ; November 19, 2009; pages 1 and 2	
		Carcoustics Automotive Products; Website: http://www.carcoustics.com/tech-consult/automotive-products.html ; November 19, 2009	

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EFS ID:	6765348
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J Byer
Customer Number:	84346
Filer:	Timothy J. Engling/k horn
Filer Authorized By:	Timothy J. Engling
Attorney Docket Number:	138057-3
Receipt Date:	07-JAN-2010
Filing Date:	
Time Stamp:	11:24:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		EagleINDIDS.pdf	302313 bd2ca770f2178d16bbb196b60d336719ed a5fe3	yes	6

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Information Disclosure Statement (IDS) Filed (SB/08)	1	2	
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National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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<p>UTILITY PATENT APPLICATION TRANSMITTAL</p> <p><i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i></p>	<p>Attorney Docket No. 138057-3</p> <p>First Inventor Byer</p> <p>Title Noise Abatement Engine Cover</p> <p>Express Mail Label No.</p>
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<p>APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.</p>	<p>ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450</p>
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)</p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>8</u>] Both the claims and abstract must start on a new page <i>(For information on the preferred arrangement, see MPEP 609.01(a))</i></p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>2</u>]</p> <p>5. Oath or Declaration [Total Sheets <u>4</u>] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> A copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) <input type="checkbox"/> Landscape Table on CD</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, items a. - c. are required)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p>	<p style="text-align: center;">ACCOMPANYING APPLICATION PARTS</p> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) Name of Assignee _____</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (PTO/SB/08 or PTO-1449) <input type="checkbox"/> Copies of citations attached</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.</p> <p>17. <input type="checkbox"/> Other: _____</p>
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner: _____ Art Unit: _____

19. CORRESPONDENCE ADDRESS

The address associated with Customer Number: 84346 OR Correspondence address below

Name	
Address	
City	State
Country	Zip Code
Telephone	Email

Signature	Date	December 23, 2009
Name (Print/Type)	Registration No. (Attorney/Agent)	39,970

This collection of information is required by 37 CFR 1.53(b). 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 1.11 and 1.14. This collection is estimated to take 12 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	138057-3
		Application Number	
Title of Invention	Noise Abatement Engine Cover		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

<input type="checkbox"/>	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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Applicant Information:

Applicant					
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Keith	J	Byer		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	West Bloomfield	State/Province	MI	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
Address 1		6045 Upper Straits Blvd.			
Address 2					
City	West Bloomfield	State/Province	MI		
Postal Code	48324	Country	us		
All Inventors Must Be Listed - Additional Inventor information blocks may be generated within this form by selecting the Add button.					<input type="button" value="Add"/>

Applicant					
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	Mark		Arthurs		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	West Bloomfield	State/Province	MI	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
Address 1		2885 Bay Drive			
Address 2					
City	West Bloomfield	State/Province	MI		
Postal Code	48324	Country	us		
All Inventors Must Be Listed - Additional Inventor information blocks may be generated within this form by selecting the Add button.					<input type="button" value="Add"/>

Applicant					
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix	
	John	R	Bull		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	Orchard Lake	State/Province	MI	Country of Residence	US
Citizenship under 37 CFR 1.41(b)		US			
Mailing Address of Applicant:					
Address 1		3999 La Playa			
Address 2					
City	Orchard Lake	State/Province	MI		
Postal Code	48324	Country	us		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					<input type="button" value="Add"/>

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<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
Customer Number	84346		
Email Address	engling@millercanfield.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	Noise Abatement Engine Cover		
Attorney Docket Number		Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	2	Suggested Figure for Publication (if any)	

EFS Web 2.2.2

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	138057-3
	Application Number	
Title of Invention	Noise Abatement Engine Cover	

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

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Customer Number	84346				
Prefix	Given Name	Middle Name	Family Name	Suffix	<input type="button" value="Remove"/>
Registration Number					
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Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending	<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of		

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

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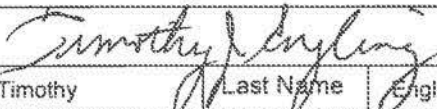
Application Data Sheet 37 CFR 1.76		Attorney Docket Number	139404/00002
		Application Number	
Title of Invention	Illuminating Stylet		

				Remove
Application Number	Country	Parent Filing Date (YYYY-MM-DD)	Priority Claimed	
			<input type="radio"/> Yes <input type="radio"/> No	
Additional Foreign Priority Data may be generated within this form by selecting the Add button.				

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.				
Assignee <i>Eagle Industries, Inc.</i>				
If the Assignee is an Organization check here. <input checked="" type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
Address 2				
City		State/Province		
Country	Postal Code			
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button.				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	2009-12-23
First Name	Timothy	Last Name	Engling
		Registration Number	39970

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Noise Abatement Engine Cover

Field of the Disclosure

[0001] This disclosure relates to a noise abatement cover used on top of an engine and method of making the same. More specifically, the noise abatement engine cover includes molded foam with a high quality outer surface appearance.

Background

[0002] A variety of devices, using various materials and processes, provide noise abatement performance for automobiles: (1) plastic injection molded covers and those with added sound absorbers (2) fiberglass, (3) die-cut or molded (cast) foam and (4) high density foam.

[0003] Plastic injection molded covers provide aesthetic value, but typically do not provide sound absorption performance. Plastic injection molded covers can be fitted with sound absorbers (die-cut foam, molded (cast) foam, fiberglass), but this adds multiple parts in assembly and added expense.

[0004] Fiberglass provides level of sound absorption, but not high quality appearance. A commonly-used sound absorption material is specialized acoustic fiberglass.

[0005] Die-cut or molded (cast) foam provides a level of sound absorption, but not quality surface appearance. As noted, this can be used alone, but also in combination with other components.

[0006] The automotive industry uses foam material for noise abatement. Polyurethane foam is known for acoustical panels for sound barrier dampening and sound absorption. It reduces passenger compartment noise including in the engine compartment with polyurethane foam technology, including a sound absorption panel as a shaped component adapted to an engine compartment. Published Patent Application 2007/0287001 discloses a sound-absorbing compartment lining having a foam material layer and fiber layer made from mineral fibers. Another example for an automotive engine hood is as shown in U.S. Patent 4,584,232. It discloses a sound absorbing member including a fiber grid insert disposed between and bonded to two open cell foam panels. Similarly, U.S. Patent 4,288,490 discloses an engine hood lining for automotive vehicles having a continuous sheet-like body that is formed of a closed-cell polyethylene foam material and is shaped to fit the inside contour of a hood of the

vehicle.

[0007] High density (i.e. 19 PCF) micro-cellular foam provides barrier/damper performance and good appearance, but not a high level of sound absorption performance.

[0008] Such a cover for the top of an engine is produced in Germany for the Mini Cooper, using high density, micro-cellular foam at approximately 15-19 PCF (240-300 kg/m³). Carcoustics (of Germany) is a Tier-2 supplier of engine cover for the Mini Cooper. Baur Formschaumtechnik (of Mindelheim Germany) is the Tier-3 molder of part. High density foam does not provide a high level of sound absorption performance. As such, certain foam products are used in close association with the engine.

[0009] U.S. Patent 4,863,791 discloses sound absorption in foam core panels including a method of manufacture of a foam core and vehicle trim panels made from such board. A foam board having a cell structure including a structure with large cells in a center portion is initially formed. This board is skived into two separate panels, each having one surface with relatively large cell structure and wherein said cells have been opened by the skiving process. This surface acts to promote enhanced sound absorption from the foam core board. This board may be laminated with appropriate decorative material and molded to make contoured resilient vehicle trim panels.

[00010] Current designs contain multiple parts or components for equivalent appearance and noise abatement performance.

Summary

[00011] The present disclosure provides a molded foam part that provides improved appearance (beauty) and noise abatement. The engine cover provides both high quality sound absorption performance and high quality 1st surface appearance. The preferred single piece construction provides a first surface quality appearance, in-mold painted, textured, noise abatement cover used for the top of engine. The construction of the engine cover is different from the prior art in being an integral part with a unique combination of materials made by a certain process to obtain both quality appearance and noise abatement properties.

[00012] The type of materials used to obtain appearance and sound absorption characteristics are important. The preferred molded engine cover includes an in-mold paint coating with medium density polyurethane foam (i.e. 5-13 PCF density) to provide a show-quality surface

appearance part with noise abatement properties. The engine cover has NVH (Noise, Vibration and Harshness) performance enhancements over existing engine covers. The construction, process, and materials all enhance NVH characteristics.

[00013] The process used to obtain appearance and sound absorption characteristics is important. The preferred method of making an engine cover includes:

applying, such as spraying, wax-based mold release to a grained aluminum tool, which is preferably temperature controlled;

applying coating, such as urethane-based paint, .0008-.100" thick, to the grained aluminum tool, coated with mold release;

dispensing polyurethane foam into the grained aluminum tool;

allowing foam to expand in a tool cavity and cure; and

extracting a part from the grained aluminum tool to function as an engine cover.

[00014] From the preferred process results a noise abatement cover used for top of an engine with a textured, in-mold coated, high quality outer appearance.

Brief Description of the Drawings

[00015] The above-mentioned and other features of this disclosure and the manner of obtaining them will become more apparent, and the disclosure itself will be best understood by reference to the following descriptions of engine covers and methods taken in conjunction with the accompanying figures, which are given as non-limiting examples only, in which

Figure 1 shows a top view of a noise abatement engine cover; and

Figure 2 shows a bottom view of an inner surface of the noise abatement engine cover.

[00016] The exemplifications set out herein illustrate embodiments of the disclosure that are not to be construed as limiting the scope of the disclosure in any manner. Additional features of the present disclosure will become apparent to those skilled in the art upon consideration of the following detailed description of illustrative embodiments exemplifying the best mode of carrying out the disclosure as presently perceived.

Detailed Description

[00017] While the present disclosure may be susceptible to embodiments in different forms,

the figures show, and herein described in detail, embodiments with the understanding that the present descriptions are to be considered exemplifications of the principles of the disclosure and are not intended to be exhaustive or to limit the disclosure to the details of construction and the arrangements of components set forth in the following description or illustrated in the figures.

[00018] As shown in Figure 1, an engine cover 10 includes a textured outer surface 12 with an embedded coating 14 and an inner surface 16 that faces the engine. The engine cover 10 is preferably a single piece.

[00019] The outer surface 12 can receive its texture from grained aluminum tool that forms part of the cavity during the molding process. The coating 14 can be an in-mold coating, such as urethane-based paint that provides consistent color, gloss and UV protection.

[00020] The inner surface 16 may or may not have a coating. But preferably the inner surface 16 of the engine cover 10 does not have a coating. The inner surface 16 may be raw polyurethane.

[00021] The core of the engine cover 10 is medium density foam, such as polyurethane with a density of 5-13 PCF (80-208 kg/m³). Due to engine heat, the preferred polyurethane core is high temperature polyurethane.

[00022] The engine cover 10 may have a series of apertures 18, 20 and 22 as clearance holes or potentially to help secure the engine cover 10 to an engine. Attachment element 36 can be used as an attachment feature to secure the engine cover 10 to an engine. The engine cover 10 may have a depression 24 on a portion of the top outer surface 12 that is a pocket or recess for a name plate, label, logo or badge.

[00023] The inner surface 16 may protrusions 26, 28, 30, 32 and 34 on the bottom of the engine cover 10 to support the foam, so the outer surface 12 does not sag or warp. The protrusions 26, 28, 30, 32 and 34 extend from the inner surface 16 and are adapted to engage an engine upon with the engine cover 10 is attached.

[00024] The method of making the engine cover 10 with an appealing outer surface includes several steps. Preferably, the cavity within which the molded cover is formed is preferably a grained aluminum tool with a least one grained side to produce a textured surface of the engine cover 10. A mold release, such as a spray, wax-based compound, can initially be applied to the grained aluminum tool, on both the preferred grained side and a second side.

After the grained aluminum tool is coated with mold release, a coating is applied, such as by spraying, to at least one side of the grained aluminum tool, primarily the grained side. The coating can be a urethane-based paint that can be applied .0008-.100", with .001-.0025" as a preferred thickness. Paint can form an in-mold, embedded coating 14 on the resulting engine cover 10 providing consistent color, gloss and UV protection. Another option for top coating is a urethane spray skin (0.7 mm to 7.5 mm). If no in-mold coating is applied on a second side of an aluminum tool that shapes the inner surface of the engine cover 10, that inner surface 16 of the resulting engine cover 10 will be uncoated raw foam.

[00025] Foam can be dispensed into a cavity of the grained aluminum tool to fill the cavity in the shape of the engine cover 10. The foam is allowed to expand in tool cavity and cure. The foam is preferably medium density polyurethane, such as high temperature polyurethane with a density of 5-13 PCF(80-208 kg/m³).

[00026] The tool is opened and an engine cover 10 can be extracted having a textured outer surface 12 with an in-mold applied coating 14. A noise abatement engine cover 10 with a textured, in-mold coated, high quality outer appearance can result. The resulting engine cover 10 is preferably a single piece.

[00027] Emblems or labels can be attached to the engine cover 10, such as in depression 24, on a portion of the top outer surface 12.

[00028] Controlling temperature is desired for the grained aluminum tool before initially applying mold and during the expanding and curing of the foam.

[00029] This disclosure has been described as having exemplary embodiments and is intended to cover any variations, uses, or adaptations using its general principles. It is envisioned that those skilled in the art may devise various modifications and equivalents without departing from the spirit and scope of the disclosure as recited in the following claims. Further, this disclosure is intended to cover such variations from the present disclosure as come within the known or customary practice within the art to which it pertains.

Claims

What is claimed is:

1. An engine cover comprising:
a core of medium density polyurethane; and
a textured outer surface with an embedded coating.
2. The engine cover of claim 1 wherein the engine cover is a single piece.
3. The engine cover of claim 1 wherein the coating is urethane-based paint that provides consistent color, gloss and UV protection.
4. The engine cover of claim 1 wherein the core is high temperature polyurethane with a density of 5-13 PCF.
5. The engine cover of claim 1 wherein an inner surface of the engine cover does not have a coating.
6. The engine cover of claim 5 wherein the inner surface is raw polyurethane foam.
7. The engine cover of claim 5 having protrusions extending from the inner surface adapted to engage an engine so the outer surface does not sag when installed on the engine.
8. A noise abatement engine cover for an engine comprising:
a core of medium density foam with a density of 5-13 PCF ; and
a textured outer surface with an embedded coating that provides color and UV protection;
wherein the engine cover is an integral piece.
9. The noise abatement engine cover of claim 8 wherein an inner surface of the engine cover that is adjacent to the engine does not have a coating and is raw polyurethane foam.

10. A method of making an engine cover including steps of:
applying mold release to an aluminum tool having a grained side,
applying coating to the grained side of the aluminum tool that is applied with mold release,
dispensing foam into a cavity of the aluminum tool,
allowing foam to expand in the cavity and cure, and
extracting the engine cover having a textured surface with the coating.
11. The method of claim 10 wherein the coating is urethane-based paint.
12. The method of claim 10 wherein the coating is .0008-.10" thick.
13. The method of claim 10 including the additional step of controlling temperature of the aluminum tool during expanding and curing of the foam.
14. The method of claim 10 wherein the engine cover is a single piece.
15. The method of claim 10 wherein the foam is high temperature polyurethane with a density of 5-13 PCF.
16. The method of claim 10 where a second side of the aluminum tool is not coated with a coating.

Abstract

An engine cover and method of making the same with a textured surface with an in-mold coating. A noise abatement cover for top of an engine has a textured, in-mold coated, high quality outer appearance with a core of medium density polyurethane. The method of making the cover includes applying a mold release to grained aluminum tool and applying coating to at least one side of the grained aluminum tool to form an in-mold coating on the resulting engine cover, which is preferably a single piece.

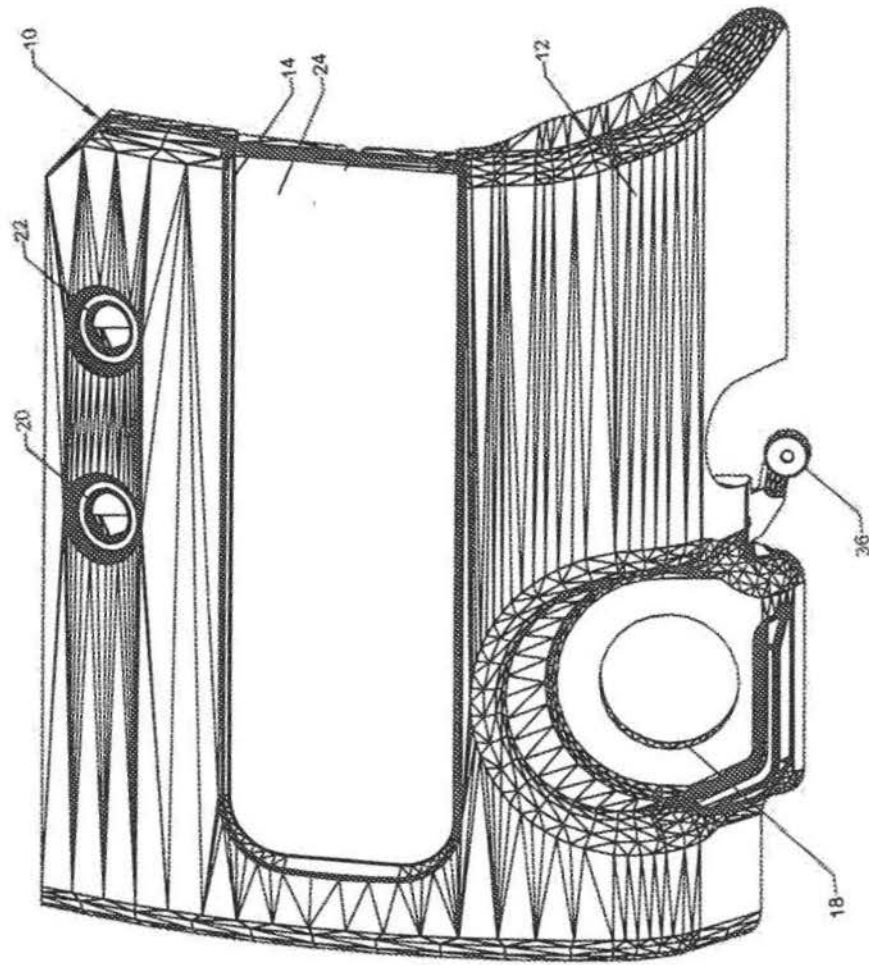


Fig. 1

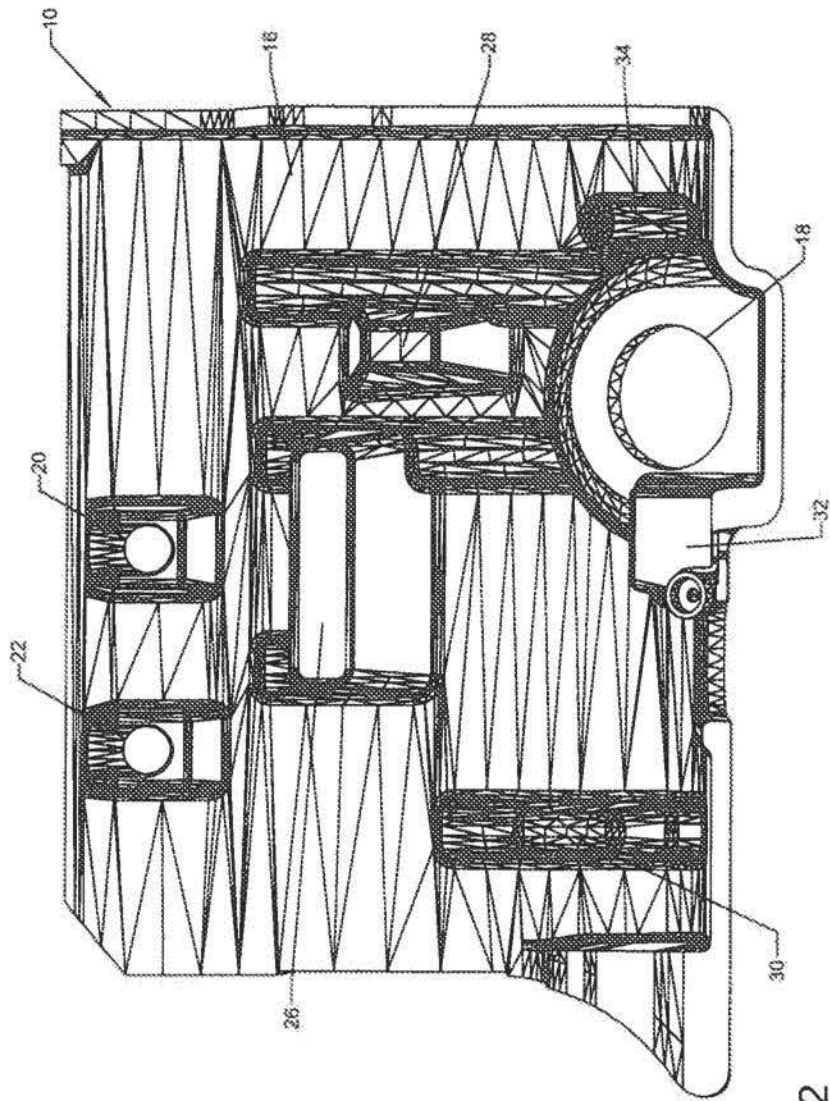


Fig. 2

Doc Code: Oath
 Document Description: Oath or declaration filed

PTO/SB/01 (04-09)
 Approved for use through 09/30/2010. OMB 0851-0032
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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)	Attorney Docket Number	138057-00003
	First Named Inventor	Keith J. Byer
	<i>COMPLETE IF KNOWN</i>	
	Application Number	
	Filing Date	
	Art Unit	
	Examiner Name	

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled:

NOISE ABATEMENT ENGINE COVER

(Title of the Invention)

the application of which

is attached hereto

OR

was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 1.11 and 1.14. This collection is estimated to take 21 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/01 (04-09)

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DECLARATION — Utility or Design Patent Application

Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application number(s) are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

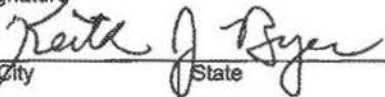
PTO/SB/01 (04-09)

Approved for use through 06/30/2010. OMB 0851-0032

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/>	The address associated with Customer Number:	84346	OR	<input type="checkbox"/>	Correspondence address below
Name						
Address						
City		State		Zip		
Country		Telephone		Email		
WARNING:						
<p>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. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: <i>Patent Application Files</i>. Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: <i>Deposit Accounts and Electronic Funds Transfer Profiles</i>.</p>						
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>						
NAME OF SOLE OR FIRST INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))			Family Name or Surname			
Keith J.			Byer			
Inventor's Signature			Date			
			12/22/09			
Residence: City		State		Country		Citizenship
West Bloomfield		Michigan		USA		USA
Mailing Address						
6045 Upper Straits Blvd.						
City		State		Zip		Country
West Bloomfield		Michigan		48324		USA
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto						

PTO/SB/02A (07-07)
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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
	Page _____ of _____

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Mark J <i>Mark J. Arthur</i>		Arthurs	
Inventor's Signature <i>MARK ARTHURS</i>			Date <i>12-22-09</i>
West Bloomfield Residence: City	Michigan State	USA Country	USA Citizenship
2885 Bay Drive Mailing Address			
West Bloomfield City	Michigan State	48324 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John R.		Bull	
Inventor's Signature <i>[Signature]</i>			Date <i>12/22/09</i>
Orchard Lake Residence: City	Michigan State	USA Country	USA Citizenship
3999 La Playa Mailing Address			
Orchard Lake City	Michigan State	48324 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature			Date
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

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Effective on 12/08/2004 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618). <h1 style="text-align: center;">FEE TRANSMITTAL</h1> <h2 style="text-align: center;">For FY 2009</h2>		Complete if Known	
		Application Number	
		Filing Date	December 23, 2009
		First Named Inventor	Keith J. Byer
		Examiner Name	
		Art Unit	
		Attorney Docket No.	138057-3
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)		

METHOD OF PAYMENT (check all that apply)

Check
 Credit Card
 Money Order
 None
 Other (please identify): _____

Deposit Account
 Deposit Account Number: 503654
 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below
 Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	545
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
16 - 20 or HP = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**
 HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
3 - 3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

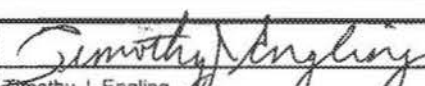
Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	39,970	Telephone	312-460-4241
Name (Print/Type)	Timothy J. Engling			Date	12-23-09

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Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J Byer
Filer:	Timothy Engling
Attorney Docket Number:	138057-3

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				462

Electronic Acknowledgement Receipt

EFS ID:	6704276
Application Number:	12646667
International Application Number:	
Confirmation Number:	1550
Title of Invention:	Noise Abatement Engine Cover
First Named Inventor/Applicant Name:	Keith J Byer
Customer Number:	84346
Filer:	Timothy Engling
Filer Authorized By:	
Attorney Docket Number:	138057-3
Receipt Date:	23-DEC-2009
Filing Date:	
Time Stamp:	17:38:32
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$462
RAM confirmation Number	4782
Deposit Account	503654
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		EagleUSApp12-23-09.PDF	518907 f541962ac8a93d540fddbc7e43e51ee187a02422	yes	19
Multipart Description/PDF files in .zip description					
	Document Description		Start		End
	Transmittal of New Application		1		1
	Application Data Sheet		2		5
	Specification		6		10
	Claims		11		12
	Abstract		13		13
	Drawings-only black and white line drawings		14		15
	Oath or Declaration filed		16		19
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
2	Fee Worksheet (PTO-875)	feeinfo.PDF	37631 d82cb8b3043c88fd91a4160083d1102f40494d31	no	1
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	32448 1d7265199c4c6820a4b257b6ce91c799d2f07de7	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			588986		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Filing Date: 12/23/2009

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number
12/646,667

APPLICATION AS FILED – PART I			SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	16	minus 20 =		0		X\$50	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 =		0		X\$210	
APPLICATION SIZE FEE (37 CFR 1.16(s))							
22-Aug				185		370	
			TOTAL	462		TOTAL	0

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OR	OTHER THAN SMALL ENTITY		
AMENDMENT A	(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		X =			X =
Independent (37 CFR 1.16(h))	*	Minus	***	=		X =			X =	
Application Size Fee (37 CFR 1.16(s))										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'T FEE			TOTAL ADD'T FEE	

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OR	OTHER THAN SMALL ENTITY		
AMENDMENT B	(Column 1)	(Column 2)	(Column 3)	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		X =			X =
Independent (37 CFR 1.16(h))	*	Minus	***	=		X =			X =	
Application Size Fee (37 CFR 1.16(s))										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'T FEE			TOTAL ADD'T FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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