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Request for Continued Examination (RCE) Transmittal

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Commissioner for Patents
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Alexandria, VA 22313-1450

Application Number	14/491,787
Filing Date	September 19, 2014
First Named Inventor	Edward SUGG
Art Unit	1712
Examiner Name	Timothy Howard MEEKS
Attorney Docket Number	034146.00006

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, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO on page 2.)

1. **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

iii. Information Disclosure Statement (IDS)

ii. Affidavit(s)/ Declaration(s)

iv. Other _____

2. **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 _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

a. Deposit Account No. 01-2300

i. RCE fee required under 37 CFR 1.17(e)

ii. Extension of time fee (37 CFR 1.136 and 1.17)

iii. Other Any additional fees required

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 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	/Nicole Clarke/	Date	April 7, 2017
Name (Print/Type)	Nicole Clarke	Registration No.	72,246

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.

Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, an international application that does not comply with the requirements of 35 U.S.C. 371, a design application, or a patent under reexamination. See 37 CFR 1.114(e). An international application does not comply with the requirements of 35 U.S.C. 371 until the requirements under 35 U.S.C. 371(c), including the requirement for the inventor's oath or declaration under 35 U.S.C. 371(c)(4), have been complied with.

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:

Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 C FR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.

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.

REMARKS

The Office Action dated October 7, 2017, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1-4 and 6-24 have been rejected. By this response, claim 11 has been amended and claims 1-4, 6-10, 12-14, and 22-24 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Thus, claims 11 and 15-21 remain pending in this application and subject to examination. Support for the amendments may be found in the specification as originally filed and the original claims. No new matter has been added.

Examiner Interview

The Applicant thanks the Examiner for the courtesy extended during the telephone interview with the representative for the Applicant on April 6, 2017. The Applicant respectfully submits that the claims have been amended in accordance with the discussion during the interview. This summary and the below discussion together reflect the substance of the interview.

Rejections Based on 35 U.S.C. § 102

Claims 1-4 and 6-10 are rejected under pre-AIA 35 U.S.C. § 103(a) as being allegedly unpatentable over Legros (US 6,919,302, hereinafter "Legros"). Claims 11-21 and 23 are rejected under pre-AIA 35 U.S.C. § 103(a) as being allegedly unpatentable over Legros in view of Cioletti et al. (US 2007/0010414, hereinadter "Cioletti"). Claims 22 and 24 are rejected under pre-AIA 35 U.S.C. § 103(a) as being allegedly unpatentable over Legros in view of Crampton (US 5,740,964, hereinafter "Crampton").

Claims 1-3, 6-13, 15, 17, 19, and 20 are rejected under pre-AIA 35 U.S.C. § 103(a) as being allegedly unpatentable over Moses (US 5,549,836, hereinafter "Moses") in view of Shibata et al. (US 2009/0111723, hereinafter "Shibata") and Legros.

Without conceding the propriety of the rejections, the Applicant submits that the claims have been amended in order to clarify at least some of the distinguishing features of the presently claimed invention. To the extent that the rejections still apply to the claims as amended, the Applicant respectfully traverses the rejections.

In particular, the Applicant respectfully submits that no combination of the cited art discloses or suggests at least the combination of features recited in amended claim 11, particularly, for example, “a method of removing or preventing carbon fouling on a mechanical component of a device, comprising: depositing a vegetable oil composition on the mechanical component of the device [...] wherein the combined volume of the at least three vegetable oils is present in an amount of about 100% by volume of the total volume of the oil composition,” as presently claimed.

For example, Legros fails to disclose or suggest at least the use of an oil composition wherein the combined volume of the at least three vegetable oils is about 100% of the total volume of the oil composition.

In particular, Legros as cited is directed to the use of a specific composition that comprises compounds A, B and C. The combination of compounds A, B, and C is critical to the composition therein, as “[t]he choice of compounds A, B and C rests on their respective synergy in the A-B-C composition.” See Legros, col. 2, lines 57-58. That is, one of ordinary skill would understand that all three of compounds—that is, compounds A, B, and C—must be present in order for the composition to function as intended. Moreover, as admitted in the Office Action, “methyl ricinoleate [i.e., compound C] is a fatty acid but is not a ‘vegetable oil’ because the vegetable oil is the triglyceride of 3 fatty acids.” See Office Action, page 11, (emphasis added).

As such, Legros clearly does not disclose or suggest a method of using an oil composition “wherein the combined volume of the at least three vegetable oils is present in an amount of about 100% by volume of the total volume of the oil composition,” as claimed in amended claim 11, since the compositions of Legros must include compound C, which is not a vegetable oil. Moreover, one of ordinary skill would not be motivated to modify Legros to exclude compound C, as such a modification would change the principle under which Legros is intended to operate (i.e., the use of a synergistic composition for temporarily protecting and lubricating metal surfaces). According to the Manual of Patent Examining Procedure (MPEP) at §2143.01(VI), “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.” As such, as noted by the Examiner on April 6, 2017, amended claim 11 would not be obvious to those skilled in the art based on the teachings of Legros.

The Applicant submits that no combination of Cioletti, Crampton, Moses, or Shibata fulfills these deficiencies.

As such, the Applicant submits that amended claim 11 is allowable for at least these reasons. Claims 15-21 each depend from claim 11, and are therefore also allowable for at least the same reasons that claim 11 is allowable, as well as for the additional features recited therein.

As such, the Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 of all claims.

CONCLUSION

If for any reason the Examiner feels the application is not now in condition for allowance it is respectfully requested that he contact, by telephone, the undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account Number 01-2300, under Attorney Docket No. 031528.00992 from which the undersigned is authorized to draw.

Customer No.: 4372
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1717 K Street, NW
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Respectfully submitted,

By Nicole Clarke
Nicole Clarke
Registration No.: 72,246

NLC/dbc

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. – 10. (Cancelled)

11. (Currently Amended) A method of removing or preventing carbon fouling on a mechanical component of a device, comprising:

depositing a vegetable oil composition on the mechanical component of the device,

wherein the vegetable oil composition comprises at least three vegetable oils, each vegetable oil having a smoke point above 93.3°C (200°F), and wherein at least one of the at least three vegetable oils has 80% by weight or greater oleic acid,

wherein the combined volume of the at least three vegetable oils is present in an amount of ~~at least~~ about 100% ~~[[25%]]~~ by volume of the total volume of the oil composition; and

wherein operation of the device deposits carbon on the mechanical component.

12. (Cancelled)

13. (Cancelled)

14. (Cancelled)

15. (Original) The method of claim 11, where the depositing step comprises one of spraying, immersing, or brushing the oil composition on the mechanical component of the device.

16. (Previously Presented) The method of claim 11, further comprising drying the deposited oil composition by heating at a temperature of about 37.8°C (100°F) to about 204.4°C (400°F).

17. (Original) The method of claim 11, further comprising exposing the deposited composition to ultraviolet light.

18. (Previously Presented) The method of claim 15, wherein the mechanical component is immersed at a temperature of about 37.8°C (100°F) to about 204.4°C (400°F) for a period between about 10 minutes to about 24 hours.
19. (Original) The method of claim 11, wherein the depositing step comprises applying a pressure of about 1 to about 5 ATM.
20. (Original) The method of claim 11, wherein the mechanical component is a component of a firearm.
21. (Original) The method of claim 18, wherein the mechanical component of the firearm is selected from the group consisting of: a trigger, a hammer, a disconnecter, a trigger pin, a firing pin, a chamber, a bolt, a bolt face, a bolt carrier, a breach face, a camming pin, a piston, an operating rod, a gas tube, a barrel, a slide, a retention rail, an upper receiver, a lower receiver, a magazine follower, a suppressor mount, a compensator, a flash hider, charging handle, feed tray, and a baffle.
22. – 24. (Cancelled)

Docket No.: 034146.00006
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Attorney Docket No.: 034146.00006
Edward SUGG, et al. Confirmation No.: 1075
Application No.: 14/491,787 Art Unit: 1712
Filed: September 19, 2014 Examiner: Timothy Howard MEEKS
For: VEGETABLE OILS, VEGETABLE OIL BLENDS, AND METHODS OF USE THEREOF

RESPONSE UNDER 37 C.F.R. 1.114
AMENDMENT WITH REQUEST FOR CONTINUED EXAMINATION

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

Date: April 7, 2017

Dear Commissioner:

Together with the filing of a Request for Continued Examination and in response to the Final Office Action dated October 7, 2016, the period for reply being extended three months until April 7, 2017, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Electronic Patent Application Fee Transmittal

Application Number:	14491787
Filing Date:	19-Sep-2014
Title of Invention:	VEGETABLE OILS, VEGETABLE OIL BLENDS, AND METHODS OF USE THEREOF
First Named Inventor/Applicant Name:	Edward A. SUGG
Filer:	Nicole Clarke/Tylene McCoy
Attorney Docket Number:	034146.00006

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

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(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
RCE- 1st Request	1801	1	1200	1200
Total in USD (\$)				2600

Electronic Acknowledgement Receipt

EFS ID:	28860847
Application Number:	14491787
International Application Number:	
Confirmation Number:	1075
Title of Invention:	VEGETABLE OILS, VEGETABLE OIL BLENDS, AND METHODS OF USE THEREOF
First Named Inventor/Applicant Name:	Edward A. SUGG
Customer Number:	4372
Filer:	Nicole Clarke/Tylene McCoy
Filer Authorized By:	Nicole Clarke
Attorney Docket Number:	034146.00006
Receipt Date:	07-APR-2017
Filing Date:	19-SEP-2014
Time Stamp:	10:29:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$2600
RAM confirmation Number	040717INTEFSW10294600
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2		034146_00006_ResponsetoOA dated_10_07_2016.PDF	144999 1491678273a6a2a6c78885a810adb08586b2bfe4	yes	6
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		4	6	
	Claims		2	3	
	Response After Final Action		1	1	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32692 a1b1a655131677cec32dc8d17a155c823f29cf4	no	2
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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.

