

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | : Derrick T. Miller |
| App. No | : 13/868,855 |
| Filed | : April 23, 2013 |
| For | : Improved Beverage Container |
| Examiner | : Chun Hoi Cheung |
| Art Unit | : 3728 |
| Conf No. | : 5254 |

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment

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

Dear Madam:

In response to the Office Action mailed December 4, 2014, Applicant respectfully submits the following:

Election begins on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

Election

Invention I and Species I is elected with traverse. Claims 1-31 are generic to all species.

To the extent the examiner believes that this is not so, the restriction requirement is traversed.

Remarks

The restriction requirement reads:

The species are independent or distinct because Species I recites the drinking can with stacking feature, mechanically coupled spout, inverted seal and mural cover conveying a message. Species II recites the drinking can with mechanically coupled spout, inverted seal and mural cover conveying a message. Species III recites the drinking can with inserted seal and mural cover conveying a message. Species IV recites the drinking can with mural cover conveying a message and a group of drinking cans position together forming a bigger mural image. All the structural limitations with regarding to the stacking feature, spout, inverted seal and mural cover are independently distinct with each other with only the drinking can being generic. In addition, these species are not obvious variants of each other based on the current record.

[...]

The inventions require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search strategies or search queries).

The restriction requirement should be withdrawn because there is no additional search burden. At a very high level, there are five features claimed in the first 16 claims: the contoured bottom edge, the spout, the inverted seal, the tab and the mural. Claims 17-28 simply reorder the features in claim 16 in a number of different ways. By searching claim 16, the examiner would have searched for all of the features in claims 1-28. This represents standard cascading limitations that are found in dependent claims where each subsequent claim adds another limitation as requested by the Office under Rule 71(c). By searching Claim 16, the examiner is searching all listed limitations. Since searching any of claims 1-28 requires no additional burden beyond that of Claim 16 the restriction requirement should be withdrawn.

Claims 29-30 simply deal with the mural features in more detail. Again, this is just a cascading limitation from features in Claim 16. Claim 31 deals with a plurality of cans in concert, there is one more feature to search and that is a cascading limitation from features in Claim 16.

All of these claims can be searched under Rule 71 with no additional burden to the examiner. The Applicant requests the restriction requirement be withdrawn.