

IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: James E. Freidell : Examiner: Monica L. Williams  
Title: VACUUM GROOMING TOOL : Group Art Unit: 3644  
Serial No.: 11/338, 221 :  
Filed: January 23, 2006 :

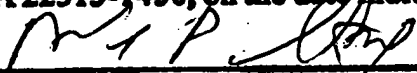
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Mail Stop: Appeal Brief - Patents

REPLY BRIEF

Applicant hereby replies to the Examiner's Answer, mailed on June 19, 2009, in connection with the appeal of the above patent application.

**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.**

 8/19/09  

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MARK P. STONE (Date of Deposit)  
Reg. No. 27,954

Applicant's Amended Appeal Brief, filed on April 13, 2009, is discussed in Section 10, starting at page 5 of the Examiner's Answer and continuing onto page 6 of the Examiner's Answer.

At page 5 of the Examiner's Answer, the Examiner states: "In response to applicant's argument that Suter does not disclose air flow around both sides of the grooming blades resulting in a negative airflow to lift the topcoat of hair, This argument is not persuasive because Suter discloses triangularly shaped agitators (17), considered to be a grooming blade, which are clearly shown with two sides that come together to form the tip of the agitator (17). The air flows on both sides of the agitator (17) and the suction of the vacuum causes a negative airflow which lifts the topcoat of hair."

The Examiner's Answer completely misconstrues the nature of the airflow as disclosed by Applicant, and claimed in appealed independent claims 25, 30, 35 and 45, and misinterprets the express disclosure of the Suter patent. The airflow referred to in the Examiner's Answer with respect to the Suter patent, namely, airflow from the tip of a triangularly shaped agitator (17) over the two edges of the triangle converging to form the tip, is a different airflow than that disclosed and claimed by Applicant in which air flows laterally over two opposed substantially parallel side surfaces of a grooming blade. For purposes of illustration, enclosed as Exhibit 1 is a copy of sheet 1 of the drawing of the present patent application. Airflow disclosed by Applicant and specifically claimed in appealed independent claims 25, 30, 35, and 45 is a lateral airflow around (over) the opposed substantially parallel side surfaces (marked as

A and B on Fig. 1 H of Exhibit 1) of the grooming blade 110. It is not an airflow from the tip of the grooming blade over the converging triangular edges of the grooming blade forming the tip. In fact, as will be discussed below, lateral airflow around opposed side surfaces of the agitator (17) of the Suter patent is physically impossible since each of the two agitators (17) disclosed by the Suter patent is directly affixed to an opposed lateral side or margin of an opening or slot 16 by a bolt 18, thereby enabling airflow only over one edge of each agitator. (Page 1, lines 56-59 of the Suter Specification, and Figure 1 of the Suter drawings).

Thus, the agitators 17 of Suter are mounted at the margins or lateral edges of a slot 16 through which air flows, and this structural arrangement precludes flow of air around both side surfaces of one or more agitators, as more fully addressed by Applicant at Section VIII(a), pages 5-7 of the Amended Appeal Brief. There is simply no teaching (or suggestion) in the Suter patent that air is intended to, or capable of, flowing over the two opposed substantially parallel side surfaces of a grooming blade, as disclosed and claimed by Applicant. On the contrary, Suter describes agitators (Page 1, lines 57-58) with triangular scorings resembling 2-dimensional triangular teeth (Page 1, lines 61-62) patterned or engraved into a surface of each agitator, which the Examiner's Answer incorrectly interprets as being "triangularly shaped agitators." Since the ordinary dictionary definition of the term "score" includes a notch or line cut or scratched into a surface, Suter's scored triangular teeth are, at most, lines scratched into the surface of the agitator that create the appearance of triangular form. Any 3-dimensional structure of such triangular teeth must be limited to agitator surface material deformation resulting from such scoring. No 3-dimensional triangular tooth possessing two parallel sides

and two edges converging into a tip or point can possibly result from Suter's scoring. The conclusion at page 5 of the Examiner's Answer that "The air flows on both sides of the agitator..." is clearly in error: Air may flow across the edge of an agitator but not the edge or side of a triangular tooth that is scored into an agitator (except the apparent base of such triangular scorings adjacent to the air inlet), and certainly not across both roughly parallel side surfaces of an agitator which may be "turned inwardly" (page 1, lines 60-61) (i.e., bent approximately 90 degrees) at reference numeral (20) (page 1, lines 60-61) in order to be simultaneously "held in place by bolts or the like 18" (page 1, lines 57-59) and orient surface sides of an agitator (17) adjacent to the air inlet (16) to be roughly perpendicular to airflow across the longitudinal edge of an agitator (17), pursuant to Suter's clear description. This is apparent from closely inspecting Figures 2 and 3 of the drawings in conjunction with the specification (Page 1, lines 56-63) of the Suter patent. Suter clearly distinguishes agitators (17) from the triangular teeth (21) scored into an agitator (17). Based upon Suter's geometry, there is no possibility of Suter's agitator having "two sides that come together to form the tip of the agitator," as stated at page 5 of the Examiner's Answer because there is no 3-dimensional triangular tooth form which would require literal edges of material converging into a tip. At best, Suter describes scoring lines that converge into points that give the appearance of triangular teeth engraved on one surface of each of two agitators. Each agitator has just four edges and two parallel surfaces, bent longitudinally into approximately a right angle.

Notwithstanding the argument advanced above, and assuming arguendo that the device disclosed by Suter does include 3-dimensional triangular teeth (a proposition with which

Applicant disagrees), such device would still not be physically capable of meeting or achieving the express limitations recited in independent Claims 25, 30, 35 (“... to allow negative airflow created by the vacuum source to flow over the two sides of the grooming blade, ...”) and in independent claim 45 (“... to allow airflow created by the vacuum source to flow over the two sides of the grooming device, ...”). Figure 2 of Suter illustrates that airflow is through a central slot 16 defined between a right agitator 17 and a left agitator 17. The structural arrangement in which the agitators are bolted to the lateral sides of the central slot 16 requires air to flow around only the left edge of the right agitator, and around only the right edge of the left agitator, but precludes airflow over either of the two roughly parallel side surfaces of either the right or left agitators 17. The statement in the Examiner’s Answer that “...air flows on both sides of the agitator (17)...” is incorrect since the airflow referred to in the Examiner’s Answer is from a (what Applicant submits to be a non-existent 3-dimensional physical triangular) tip of the agitator (17) and around (what Applicant submits to be non-existent 3-dimensional physical triangular) converging edges of the agitator (17) forming a (what Applicant submits to be a non-existent 3-dimensional physical triangular) tip, and not the lateral air flow around the opposed substantially parallel side surfaces of a grooming blade, as disclosed and illustrated by Applicant, and as expressly recited in appealed independent claims 25, 30, 35 and 45.

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At page 5 of the Examiner’s Answer, the Examiner states:

"In response to applicant's arguments that Suter does not disclose a plurality of teeth having sharp edges formed on the sides of the teeth, this argument is not persuasive because the teeth are sharp enough to perform the claimed function of removing the undercoat of hair, (col. 2 lines 85-95), the teeth (17) meet the scope of the claim. The teeth are sharp within the scope of the claim, because sharp is a relative term."

Applicant initially emphasizes that the portion of the disclosure of the Suter patent relied upon by the Examiner, namely, page 1, column 2, lines 85-95, does not support the Examiner's position. This portion of the Suter Specification clearly does not teach or suggest grooming blades having opposed sides with sharpened edges (and not sharpened peaks or tips), as disclosed and claimed by Applicant, and as more fully discussed at Section VIII(b), pages 7-8, of the Amended Appeal Brief. In fact, there is no disclosure in the Suter patent that either the tip or the side edges of the teeth 17 exist in 3-dimensional form, let alone are sharp, nor does the Suter patent even use or refer to the term "sharp". Although the Examiner's Answer suggests that the tip of the teeth 17 of Suter are sharp, this is contrary to common knowledge within the pet grooming art – namely, a sharpened tip or point is never to be placed in direct contact with the skin of an animal to avoid injuring the animal. Thus, it is clear from the knowledge within the art that if the triangular tips of agitators actually existed in 3-dimensional form, instead of 2-dimensional lines, were to be placed directly against the skin of an animal in accordance with the portion of the Suter patent as proposed in the Examiner's Answer, the tip of the tooth cannot be sharpened. Assuming arguendo that Suter discloses placing the tip of the triangular shaped scoring, whether sharpened or unsharpened, against the skin of an

animal to be groomed, there is nonetheless no disclosure whatsoever in the Suter patent itself teaching or suggesting a grooming blade having opposed sides with sharpened edges, and not sharpened peaks or tips.

Thus, assuming arguendo that Suter discloses that the agitators 17 include 3-dimensional triangular teeth, instead of the appearance of triangular teeth (21) scored (20) 2-dimensionally into an agitator surface, with sharp tips which are brought into contact with the animal's skin (See Figure 1 of the Suter drawing, and column 2, lines 55-62 and lines 89-91 of the Suter Specification), this is exactly opposite to the device disclosed and claimed by Applicant in which it is the physical converging edges of 3-dimensional physical, roughly triangular teeth cut or stamped into the grooming blade which are sharp, but not the tip, to avoid placing a sharp tip in direct contact with the animal's skin. The Suter patent is completely silent with regard to sharpened edges, and any position in the Examiner's Answer to the contrary is mere speculation by the Examiner.

Enclosed as Exhibit 2 is a true copy of Declaration Of Barbara E. McCue Pursuant to 37 C.F.R. § 1.132, filed on April 28, 2005, in connection with parent application Serial No. 10/147, 802, now US Patent No. 7, 159, 274. The Declaration emphasizes the significance of both airflow around two opposed substantially parallel side surfaces of a grooming blade of an animal vacuum tool, and providing the opposed sides of the grooming blade with sharpened edges. The advantages resulting directly from the airflow over two opposed sides of a grooming blade are specifically discussed at paragraphs 20-21 and 29-40 of the Declaration,

while the advantages resulting from providing a grooming blade with sharpened edges on opposed sides thereof is discussed at paragraphs 23-40 of the Declaration.

As addressed in the Declaration, it is the interaction between the lateral airflow over the opposed substantially parallel side surfaces of the grooming blade, and the sharpened converging triangular edges of the opposed sides of the grooming blade, which cooperate to result in the improved efficiency of the claimed grooming device. The prior art applied to reject the appealed claims does not suggest or recognize either of those features of the invention, let alone a combination thereof.

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With regard to the Examiner's position that the Zaidan patent discloses a handle which is angularly adjustable relative to the grooming blades, Applicant submits that the only "adjustment" disclosed by this patent is the alternating of the comb or brush between two positions: 1). A combing or brushing position, and 2). A non-combing or non-brushing position (see column 2, lines 48-63 of the Zaidan Specification). As more fully discussed at Section VIII. (c), pages 9-10 of the Amended Appeal Brief, Zaidan does not teach or suggest the feature of Applicant's claimed invention in which one or more grooming blades can be set to one or more of a plurality of angular orientations relative the handle. On the contrary, Zaidan discloses a device in which no structure or structural arrangement is provided for setting one or more of



the grooming blades to one or more of a plurality of angular orientations relative to the handle of the device.

Applicant also disagrees with the Examiner's position that the Zaidan carpet cleaning device is analogous to an animal grooming device because a carpet cleaning device is reasonable pertinent to the particular problem with which Applicant was concerned "because it is a rigid comb having sharpened teeth attached to the nozzle of a vacuum for combing through an object having long hairs." Applicant respectfully disagrees with this conclusion. On the contrary, as argued throughout the prosecution of this patent application, unlike a carpet cleaning device having teeth with sharpened points or tips, it is imperative that an animal grooming device have teeth without sharpened peaks or tips to avoid injury to the skin of the animal being groomed. Therefore, problems to which carpet cleaning devices are directed, and the solutions to these problems, are significantly different from those addressed by animal grooming devices.

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Applicant respectfully submits that the Examiner's Answer has misconstrued the specific recitations in the appealed independent claims with regard to 1). the lateral airflow around the opposed substantially parallel side surfaces of the grooming blade (the Examiner's Answer addresses only airflow from the tip of the toothed shaped element around the converging edges defining the tip, despite the impossibility of a 2-dimensional scored etching to possess

physical edges converging into a physical tip); 2). the multiple converging triangular edges of a grooming blade having sharpened edges (the Examiner's Answer addresses only the tip of a toothed shaped element, and furthermore speculates as to the sharpness of any component disclosed by Suter since Suter fails to address the issue of "sharpness" or the existence of physical toothed shaped elements having 3-dimensional tips or edges); and 3). the angular adjustability of the angle of the grooming device as expressly recited in appealed independent claim 44 (The Zaiden patent does not teach or suggest angular adjustment of one or more grooming blades relative to a handle).

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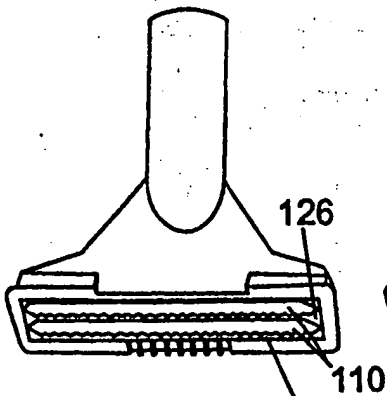
For the reasons discussed herein, in the Amended Appeal Brief, and throughout the prosecution of this patent application, Applicant respectfully submits that the appealed claims are allowable over the prior art applied in the Final Action, and respectfully requests that the final rejection of these claims be reversed.

Respectfully submitted,

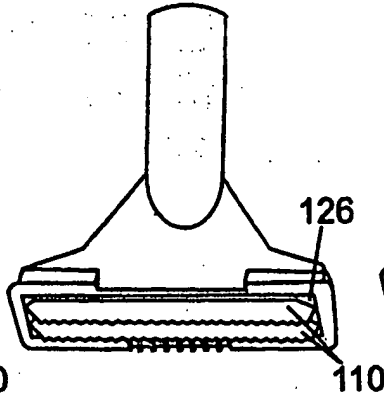


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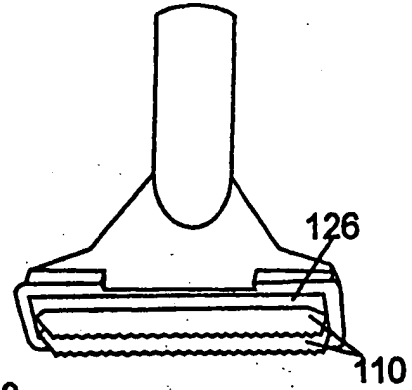
**Exhibit 1**



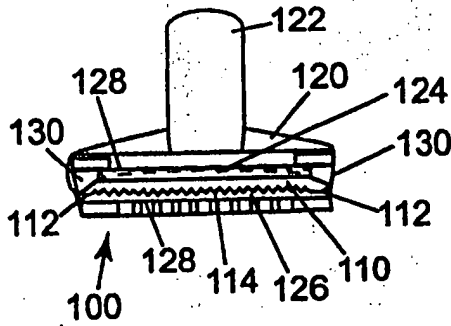
**Fig. 1A**



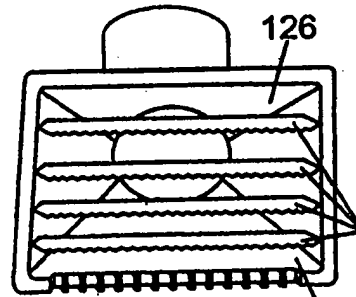
**Fig. 1B**



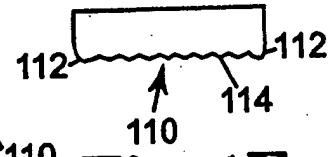
**Fig. 1C**



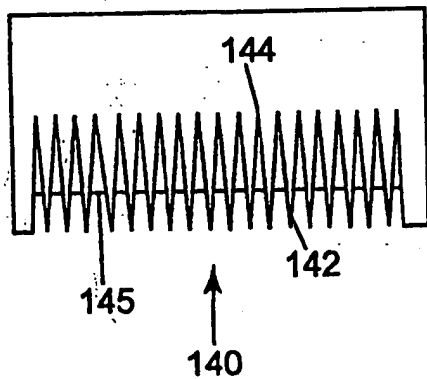
**Fig. 1D**



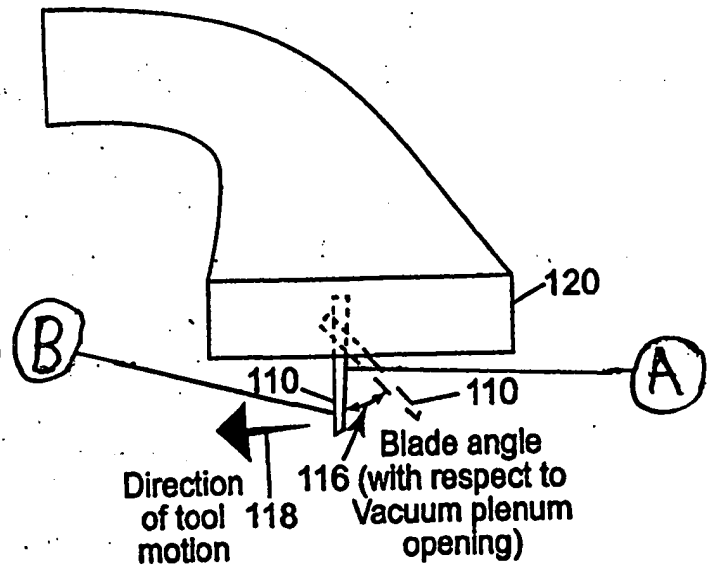
**Fig. 1E**



**Fig. 1F**



**Fig. 1G**



**Fig. 1H**

**Exhibit 2**

# COPY

Our Docket No: 56630-247064

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

James E. Freidell )

Examiner: Snider, Theresa

Application No: 10/147,802 )

Art Unit: 1744

Filed: May 17, 2002 )

Confirmation Number: 3155

For: VACUUM GROOMING TOOL )  
\_\_\_\_\_)

Commissioner for Patents  
Alexandria, VA 22313-1450

**DECLARATION OF BARBARA E. MCCUE**  
**Pursuant to 37 C.F.R. § 1.132**

Sir:

I, Barbara E. McCue hereby declare that:

1. I have reviewed the above-identified patent application ("**Patent Application**"), including the figures, and participated in a telephonic interview with the Examiner on March 17, 2005.
2. I am currently a professional pet groomer and instructor of pet grooming. I am presently transitioning from the employ of Clean Critter to a full-time teaching position, as an independent contractor, for the International Academy of Pet Design. I have been a pet groomer for over 37 years and have taught pet grooming for over 24 years.
3. I was self-trained, starting in 1967, with the help of a poodle breeder. My formal training began in 1972 with Ms. Micki, who was the head groomer at a pet shop in Phoenix, AZ,

after which I apprenticed under Mr. Wayne, a Master Groomer, dog handler, breeder and owner of the Pet Palace Pet shop in Paradise Valley, AZ.

4. I began teaching pet grooming when I opened my first salon in Yuma, AZ. I discovered that there were few groomers in the area and the ones I did find could not groom to my high standards, so I had to teach them. I am very patient and soon became very good at teaching new groomers. I have since taught in almost every salon where I have worked plus some of the top grooming schools in the nation. Examples include the Paragon School of Pet Grooming (outside Grand Rapids, MI) and the International Academy of Pet Design (outside Atlanta, GA), where I have taught school instructors, in addition to teaching students.
5. I have taught in Colorado, New York, Arizona, Texas, Michigan and Georgia. I have also taught at grooming seminars and for Colorado Professional Pet Groomers' Association (CPPGA) meetings and workshops. I have many awards for grooming competitions and for volunteer work I have done.
6. I have taught all aspects of pet grooming, proper use of all pet grooming tools and equipment, pet grooming salon management, animal care and nutrition, every phase of obedience dog training, show grooming and handling, and creative grooming (including coloring). I have taught novices and experts, ranging from 4-H childrens groups (pet care and obedience) up to and including pet grooming instructors (advanced clipper vacuuming techniques), the latter at some of the largest and most recognized pet grooming schools in the country.
7. The job description for every job I have had since 1978 has included, in addition to grooming, the teaching of other employees and improving salon standards. By way of example, my new position, at the International Academy of Pet Design, one of the largest pet grooming schools in the country, requires me to help build the management team to

completely update the school's curriculum to world-class standards, while I am also instructing students.

8. I have served on the board of directors of the CPPGA, have been editor of two industry newsletters, and am often invited to speak at pet industry conferences on the subjects of grooming, motivation and time management.
9. I would be considered an expert on the subject of animal grooming and proper use and selection of grooming tools.
10. My current curriculum vitae is attached in Appendix A.
11. I first became introduced to Hair Patrol and Mr. Jim Freidell in early 2001 when my employer, PETCO, selected me to conduct initial testing and evaluation of some of Hair Patrol's equipment for suitability and effectiveness for prospective application in all of PETCO's 500+ pet grooming salons. Although not the subject of this testing and evaluation exercise, I became familiar with other equipment offered by Hair Patrol. This led to my exposure to Mr. Freidell's invention, which, to satisfy my own curiosity, I offered to test and evaluate outside the auspices of my official capacity at PETCO.
12. I have no formal relationship with Hair Patrol, except that I once marketed some of Hair Patrol's products and taught groomers in the use of Hair Patrol equipment on a commission basis/flat fee basis, which is something I do for other pet grooming industry manufacturers as well.
13. There are several different styles of shedding blades on the market ("**Existing Shedding Blades**"), examples of which are depicted in Appendix B.
14. In my opinion, the Existing Shedding Blades are clumsy and difficult to use.
15. In my opinion, while the Existing Shedding Blades do clear or rid the coat of some dead hair, they are very inefficient at doing so, and not at all effective at facilitating the removal of ready to be shed hair.



16. None of the pet groomers I know currently use any of the Existing Shedding Blades. Today, they are all but obsolete, except for use in connection with large animals, such as horses and cattle.
17. Shedding blades were initially designed for horses and not for smaller animals. In my experience, one must be extremely careful of joints, the spine and other boney areas when using the Existing Shedding Blades on smaller animals.
18. Since I would not consider using one of the Existing Shedding Blades, I certainly would not have contemplated modifying one and combining it with a vacuum source.
19. Mr. Freidell has invented an improved animal grooming tool that includes one or more grooming blades having formed thereon sharp edges or "burrs" which, during grooming operations, remove ready to be shed hair by snagging the ready to be shed hair (the **"Improved Tool"**).
20. When the Improved Tool is coupled with a vacuum source by way of a vacuum nozzle mouth opening, the grooming blade(s) are positioned with respect to the mouth opening to allow negative airflow created by the vacuum source to flow over the two sides of the grooming blade(s) (the **"Vacuum-Assisted Improved Tool"**).
21. During grooming operations with the Vacuum-Assisted Improved Tool, the negative airflow lifts top coat hair of the dog's coat up and out of the way, so to expose undercoat hair to the sharp edges (burrs) of the grooming blade(s), thereby increasing efficiency of de-shedding operations, as compared to conventional de-shedding operations, by (i) eliminating operational strokes, (ii) eliminating the need for the groomer to use a hand or comb to lift the top coat hair up and out of the way, and (iii) reducing time associated with the de-shedding operations.
22. I have used prototypes of the Improved Tool (**"non-vacuum-assisted Prototype"**) and the Vacuum-Assisted Improved Tool (**"vacuum-assisted Prototype"**) that include one or

more substantially parallel, toothed grooming blades similar to that illustrated in Figures 1A-H, 2A-C and 3A-C of the Patent Application (collectively, the "Prototypes").

23. In the Prototypes, only the edges adjacent to each "point" or "peak" are sharp; the points are purposefully not sharp. One can feel these sharp edges, or burrs, by dragging ones finger across the blade.
24. When I first saw the Prototypes Mr. Freidell provided for my testing and evaluation, I was extremely skeptical regarding their usefulness. This is because I have seen over the years many, many new animal grooming tools offered for sale, all aiming to facilitate the removal of shedding and ready to shed hair, but none being much if any more effective than existing tools. On first appearance, the impression of similarity to Existing Shedding Blade structure deepened my skepticism.
25. Groomers are often tempted to purchase and try new tools that may ease this portion of their grooming jobs, which all too often leads to disappointment. Most of these new tools don't remain on the market for long, due to user dissatisfaction. Those that do prevail typically provide only incremental improvement.
26. Mr. Freidell explained to me that at least one difference between the Prototypes and animal grooming tools currently on the market was the presence of sharp edges ("burrs"). In some Prototypes, the sharp edges ("burrs") are formed as a result of a metal stamping process and are located on the slanted areas that form the peaks of the toothed grooming blades.
27. I believe that the presence of the sharp edges ("burrs") on the Prototypes, Improved Tool and the Vacuum-Assisted Improved Tool aid in the snagging and removal of ready to be shed hair during animal grooming operations. I believe these new tools effectively give rise to a whole new class of carding tools that unexpectedly perform much more efficiently than any other.

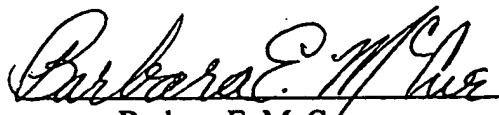
28. I have tested early prototypes developed by Mr. Freidell that did not have sharp edges or "burrs" and found them comparatively useless.
29. When Mr. Freidell initially provided the Prototypes for me to test and evaluate, I expected the vacuum to perform its typical function (e.g., create suction to eliminate hair removed by the grooming blades) and the grooming blades to perform their typical function (e.g., remove loose, already shed hair). I did not expect the vacuum to aid in the removal of ready to be shed hair. Nor did I expect the grooming blades to work particularly well in view of my past experience with Existing Shedding Blades.
30. Based on my observations and past experience, the non-vacuum-assisted Prototype removed significantly more hair than grooming tools currently on the market.
31. Recently, during a carding experiment conducted on the same dog separately using (i) a hand-held #40 clipper blade; (ii) a FURminator® grooming tool (U.S. Patent No. 6,782,846), the newest tool on the market for carding, which merely attaches a handle to a traditional #40 blade, making it easier to hold, thus reducing hand cramping; and (iii) the non-vacuum-assisted Prototype, in a fixed carding period of 10 minutes, the non-vacuum-assisted Prototype removed 2 to 4 times more loose and ready to be shed hair than the #40 blade or the FURminator grooming tool.
32. Furthermore, during the same recent carding experiment, more hair was removed by the vacuum-assisted Prototype when used to perform carding on the areas of the dog's coat that were previously treated by the #40 blade and the FURminator tool; thus, suggesting the vacuum-assisted Prototype extracted ready to be shed hair that carding with the #40 blade and the FURminator tool left behind.
33. Based on my observations, the vacuum-assisted Prototype removed noticeably more hair than the non-vacuum-assisted Prototype in approximately half the time and half the number of operational strokes; thus, suggesting an unexpected synergistic effect of combining the Improved Tool with a vacuum source.

34. Using the vacuum-assisted Prototype, grooming time was reduced by at least 75% as compared to carding with a hand-held #40 clipper blade or a FURminator grooming tool.
35. For example, using the vacuum-assisted Prototype on a Labrador Retriever, the carding time required only approximately 5 minutes as compared to 20 minutes with a hand-held #40 blade or FURminator grooming tool.
36. Using the vacuum-assisted Prototype, I estimate at least 3 times more hair is removed as compared to carding with a hand-held #40 blade and at least 2 times more hair is removed as compared to carding with a FURminator grooming tool.
37. Using the vacuum-assisted Prototype, the amount of time before the pets resumed dropping hair increased dramatically from 1 to 2 weeks to 3 to 4 weeks. This has been demonstrated to me by actual client satisfaction.
38. In view of the fact that carding strokes may cause irritation of a dog's skin, it is my opinion that carding using the vacuum-assisted Prototype will result in less irritation to dogs' skin than carding involving the use of a #40 blade or FURminator grooming tool alone.
39. In my opinion, based on the unexpected and exceptional results I observed in connection with using the Prototypes with various breeds of dogs, similar improvements are likely to be observed when grooming other domesticated pets.
40. I have not been compensated, nor do I expect to be compensated, for the testing and evaluation of the Prototypes, Improved Tool, or Vacuum-Assisted Improved Tool. Moreover, I have not been compensated for, nor do I expect to be compensated for preparing this declaration. My sole objective in engaging in such testing and evaluation, and extending support to Mr. Freidell's patent objectives, is to see these new tools come to market so that I can personally use them and teach their use to my students. I believe these tools will become highly valuable to the grooming profession, once groomers, like myself, overcome their skepticism in using them.

I, Barbara E. McCue, hereby declare that all statements 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 are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under § 1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the Patent Application or any patent issuing therefrom.

Respectfully submitted,

Date: 4-7-05

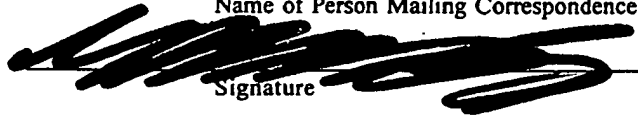
  
Barbara E. McCue

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on 4/26/2005  
Date of Deposit

Michelle L. Wyss  
Name of Person Mailing Correspondence

  
Signature

4/26/2005  
Date

**Barbara E. McCue  
145 S. Cody Court  
Lakewood, Co. 80226  
Ph. (303) 506-1192**

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I have worked in the pet industry for more than 37 years. I have extensive experience in pet grooming, grooming instruction, dog training, handling, show grooming, and grooming competition. I also have extensive management experience in scheduling, personnel management, client records, phone skills, payroll and computer skills. I have excellent sales ability and a record of good public relations. I have excellent oral and written communication skills. I have core computer competence in most office software, including Microsoft Office, Photoshop and Quicken.

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### **Education**

**Graduate; Kofa High School (1966)  
Yuma, Arizona**

I also took a course in sign language at Arizona Western Community College.

I was instructed in pet grooming as an apprentice to a Master Groomer/Handler in Paradise Valley, Arizona. I was schooled in all phases of pet grooming including show grooming for many breeds. Eventually I earned the titles of Master Groomer and Instructor.

I earned my certification as a dog trainer at the Greater Phoenix Dog Training Academy in Phoenix, AZ.

Once I started in the pet industry, I could not stop learning. I went to every dog show, trade show and seminar I could to continue my education. I have had various courses in all phases of the pet industry and have earned certificates from some of the biggest names in the grooming industry including Pam Lauritzen, John Stazko, and Shannon Lynnes. I continue to attend every event I can in the pet industry and have kept my grooming skills up to date along with testing every new grooming tool I can get my hands on. I was taught pet handling and restraint by several veterinarians and veterinary technicians. I am certified by the American Red Cross in pet CPR and first aid. I have also served as an emergency veterinarian assistant.

My management skills were learned on the job as the need presented itself. I have owned two successful grooming salons.

My computer skills were learned from my husband and are ongoing.

I have attended many business and sales seminars depending on the needs of my employers. I never tire of learning.

### **Accreditations**

High School Diploma, college course in sign language, various courses of study in business and business management, completed course in real estate, various courses in the pet care and grooming profession, dog training certificate, pet grooming certificates, pet first aid and CPR, certification and grooming instruction.

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### **Professional clubs and memberships**

NDGAA (National Dog Groomers Association of America) Member; CPPGA (Colorado Professional Pet Groomers' Association) Member, Board Member, Secretary, News Letter Editor; and Member of local breed clubs.

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### **Volunteer Service**

Volunteer grooming for Humane Societies and local pet shelters  
Volunteer instruction in Show Handling for 4H junior showmanship  
Volunteer instruction for 4H in pet care and nutrition  
Volunteer work for the CPPGA  
Volunteer aid for local hospital (Candy Striper at Yuma Regional Medical Center).  
Volunteer coach for little league cheerleaders

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### **Languages Besides English**

I have studied and excelled in Spanish and Sign Language, but would need refresher courses to become fluent again.

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### **Awards Received**

Grooming awards for national grooming competitions  
Awards and ribbons from dog shows  
Certificates and awards for volunteer work  
Sales awards

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### **Work History**

I am presently in transition from employment at Clean Critter in Lakewood, Colorado to my new position of instructor at the International Academy of Pet Design in Marietta, Georgia. I begin full-time work at the Academy on April 12, 2005.

**Clean Critter**  
550 Garrison St.  
Lakewood, CO 89226  
July 2001-March 2005

My position at Clean Critter was groomer but included instructing new employees and managing the salon while the owner was out of town on business. Also responsible for daily record keeping and customer relations.

**PETCO**

Lakewood Commons  
475 S. Wadsworth  
Lakewood, CO 80226  
April 2000-July 2001

My position at PETCO was Grooming Salon Manager. My duties included supervising grooming department employees, grooming, scheduling, instructing, timekeeping, customer relations, daily, weekly and monthly reports, cleaning, scheduling, quality control, inventory control, and liaison between my department and the store managers. I was also tasked by corporate headquarters to test and evaluate a new animal bathing system for potential application in all PETCO store grooming departments.

**PETCO**

1540 West Southern  
Mesa, AZ 85202  
Nov. 1998-April 2000

My position was Grooming Salon Manager. This was a brand new store, requiring me to build clientele, in addition to my duties of supervising grooming department employees, grooming, scheduling, instructing, timekeeping, customer relations, daily, weekly and monthly reports, cleaning, scheduling, quality control, inventory control, and liaison between my department and the store managers.

**Moonbrook Pet Grooming**

3201 N Main Street Ext  
Jamestown, NY 14701  
1995-1998

I opened and ran this grooming salon, which was collocated in a veterinary hospital. My responsibilities involved all salon operations. I also conducted obedience classes there.

**Temporary Lapse in Employment**

Part of 1994 and 1995 was a time I did not work in the grooming industry as I was caring for my husband's mother who had cancer.

**Alpine Pet Grooming**

8631 Washington  
Denver, CO 80229  
1990-1994

My position at Alpine was groomer/manager. My responsibilities included opening and closing, personnel management and instruction, inventory, scheduling, customer relations, record keeping, troubleshooting, grooming, morale, and all management phases.



**Bone Voyage Kennel**

Arvada, CO  
1989-1990

At Bone Voyage Kennel I had total control of the grooming salon, and was also in charge of all personnel. I also worked in the retail store and was responsible for overall kennel operations when the owners were absent.

**PETsMart**

Denver, CO (this store now closed)  
1988-1989

Groomer and interim grooming department manager. All management duties including personnel management, grooming, teaching, scheduling, daily, weekly and monthly reports, and liaison between the grooming department and the store managers.

**Sofia's Dog House (now closed)**

860 E 24<sup>th</sup> St.  
Yuma, AZ  
1984-1988

I was a groomer/ manager. Additional to grooming, I was responsible for all management duties.

**Sun Valley Kennel**

Yuma, AZ (now closed)  
1983-1984

Groomer. My duties were pet grooming, reception, and scheduling.

**Fluff-N-Stuff Pet Grooming**

Yuma, AZ  
1981-1983

Owner/ Groomer. This was the first grooming salon that I owned and my duties included everything about the business.

**Continental Groomers**

Phoenix, AZ  
1978-1981

Groomer. Bathing and grooming dogs.

**The Pet Palace**

Paradise Valley, AZ  
1975-1978

Apprenticed under a master groomer, Mr. Wayne. I learned advanced and "all breed" grooming, ultimately becoming a master groomer.

**Micki's Pet Grooming**

Phoenix, AZ

1972-1975

First employment as a professional pet groomer. This job gave me exposure to a broad variety of dog breeds and professional breed styling.

**Grooming at home**

Phoenix, AZ

1967-1972

I was teaching myself to groom dogs and I groomed for neighbors, relatives and friends.

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**References**

Heather Myers: former owner of Alpine Pet Grooming. 15941 Dale Av., Fort Lupton, CO 80621 (residence)

Barb Hall: current owner of Alpine Pet Grooming. 8631 Washington St., Thornton, CO 80229

Virginia Adams: owner of Sofia's Dog House. 860 E. 24<sup>th</sup> St. Yuma, AZ 85365

Cathy Cox: co-owner of For Paws Pet Grooming. 10201 Monterey Circle, Northglenn, CO 80260. Ph. (303) 427-8946

Peggy Kramer: co-owner, For Paws Pet Grooming. 10201 Monterey Circle, Northglenn, CO 80260. Ph. (303) 427-8946

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402-085



IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: James E. Freidell : Examiner: Monica L. Williams  
Title: VACUUM GROOMING TOOL : Group Art Unit: 3644  
Serial No.: 11/338, 221 :  
Filed: January 23, 2006

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

**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.**

Mark P. Stone 8/19/09  
MARK P. STONE (Date of Deposit)  
Reg. No. 27,954

Mail Stop: Appeal Brief - Patents

TRANSMITTAL OF REPLY BRIEF

Enclosed for filing, please find a Reply Brief (in triplicate), in response to the Examiner's Answer mailed on June 19, 2009, in connection with the appeal of the above identified patent application.

Respectfully submitted,

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