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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,245	06/05/2023	9699444	20311.0001.REEX00	5884
63467	7590	11/19/2024		
Ramey LLP 5020 Montrose Blvd. Suite 800 Houston, TX 77006			EXAMINER HUGHES, DEANDRA M	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			11/19/2024	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.



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/015,245 .

PATENT UNDER REEXAMINATION 9699444 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

NOTICE OF INTENT TO ISSUE INTER PARTES REEXAMINATION CERTIFICATE	Control No. 90/015,245	Patent Under Reexamination 9699444
	Examiner DEANDRA M HUGHES	Art Unit 3992

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

1. ☒ Prosecution on the merits is (or remains) closed in this inter partes reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of:
 - a. ☐ The communication filed on _____ by _____.
 - b. ☒ Patent owner's failure to file an appropriate timely response to the Office action dated 19 April 2024.
 - c. ☐ The failure to timely file an Appeal with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 1.959 and 41.61
 - d. ☐ The failure to timely file an Appellant's Brief with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 41.66(a).
 - e. ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
 - f. ☐ Other: _____
2. ☐ The Reexamination Certificate will indicate the following:
 - a. Change in the Specification: ☐ Yes ☐ No
 - b. Change in the Drawings: ☐ Yes ☐ No
 - c. Status of the Claims:
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented cancelled claims: _____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: _____.
3. ☐ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
4. ☐ Note attached NOTICE OF REFERENCE CITED, (PTO-892).
5. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
6. ☐ The drawings filed on _____ is: ☐ approved ☐ disapproved.
7. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. § 119(a) - (d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have

☐ been received.
☐ not been received.
☐ been filed in Application No. _____.
☐ been filed in reexamination Control No. _____.
☐ been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.

8. ☒ Note Examiner's Amendment.
9. ☐ Other: _____.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/DEANDRA M HUGHES/ Reexamination Specialist, Art Unit 3992	
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Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/015,245	Patent Under Reexamination 9699444	
	Examiner DEANDRA M HUGHES	Art Unit 3992	AIA Status No

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

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☐ Patent owner's communication(s) filed: _____.
 - (b) ☒ Patent owner's failure to file an appropriate timely response to the Office action mailed: 19 April 2024.
 - (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
 - (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: ☐ Yes ☐ No
 - (b) Change in the Drawing(s): ☐ Yes ☐ No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) canceled: 26-27.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented canceled claims: _____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: 1-25.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☐ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have

☐ been received.
☐ not been received.
☐ been filed in Application No. _____.
☐ been filed in reexamination Control No. _____.
☐ been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
9. ☒ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/DEANDRA M HUGHES/ Reexamination Specialist, Art Unit 3992	
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cc: Requester (if third party requester)

NOTICE OF INTENT TO ISSUE REEXAMINATION CERTIFICATE

Acknowledgements

1. This is a notice of intent to issue reexamination certificate ("NIRC") in the *Ex Parte* Reexamination of claims 26-27 of U.S. Patent No. 9,699,444, ("444 Patent") issued July 4, 2017 and filed on July 22, 2016 as U.S. Application No. 15/217,612 ("612 Application"), titled "FASTER STATE TRANSITIONING FOR CONTINUOUS ADJUSTABLE 3DEEPS FILTER SPECTACLES USING MULTI-LAYERED VARIABLE TINT MATERIALS."

Examiner's Amendment

2. Claims 26-27 (all live claims in the proceeding) were subject to rejection in the last Office action mailed April 19, 2024. Patent owner failed to timely respond to that Office action. Accordingly, claims 26-27 have been canceled. See 37 CFR 1.550(d) and MPEP § 2266.

Conclusion

3. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving **Patent No. 9,699,444** throughout the course of this reexamination proceeding. The 3PR is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 3992

4. **All** correspondence relating to this ex parte reexamination proceeding should be directed:

Electronically: Registered users may submit via Patent Center at
<https://patentcenter.uspto.gov/>.

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Knox Building
501 Dulany Street
Alexandria, VA 22314

For Patent Center transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the USPTO patent electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

5. Any inquiry concerning this communication or earlier communications from the Examiner, or as to the status of this proceeding, should be directed to Deandra M. Hughes at (571) 272-6982, SPE Mike Fuelling (571) 270-1367, or the Central Reexamination Unit at (571) 272-7705.

Signed:

/DEANDRA M HUGHES/
Reexamination Specialist, Art Unit 3992

Conferees:

/CHRISTINA Y. LEUNG/
Reexamination Specialist, Art Unit 3991
/MICHAEL FUELLING/
Supervisory Patent Examiner, Art Unit 3992