

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of
DAVID SCHMIDT

Confirmation No. 7575

Application No.: 12/915,419

Filed: October 29, 2010

For: BIOMOLECULAR WEARABLE APPARATUS

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Missing Parts

Commissioner for Patents

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Alexandria, VA 22313-1450

Sir:

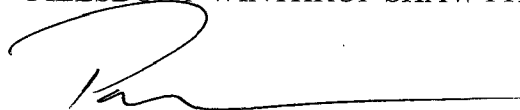
In response to the Notice to File Missing Parts of Application mailed November 15, 2010, a copy of which is enclosed, Applicants herewith submit the following:

- Five (5) Sheets of Replacement Drawings showing Figures 1, 2A, 2B, 3A, 3B and 4-7.
- Supplemental Preliminary Amendment
- Supplemental Information Disclosure Statement

It is not believed that any fees are due with this submission, however in the event that fees are due, authorization is hereby made to charge any such required fees to Deposit Account No. 033975 (Attorney Docket No. 052775-0390871).

Respectfully Submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



Patrick A. Doody

Registration Number 35022

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/915,419	10/29/2010	David Schmidt	052775-0390871

CONFIRMATION NO. 7575

FORMALITIES LETTER

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102



Date Mailed: 11/15/2010

COPY

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) All.
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 4-7.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
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Alexandria VA 22313-1450

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/ldvan/

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

REPLACEMENT SHEET

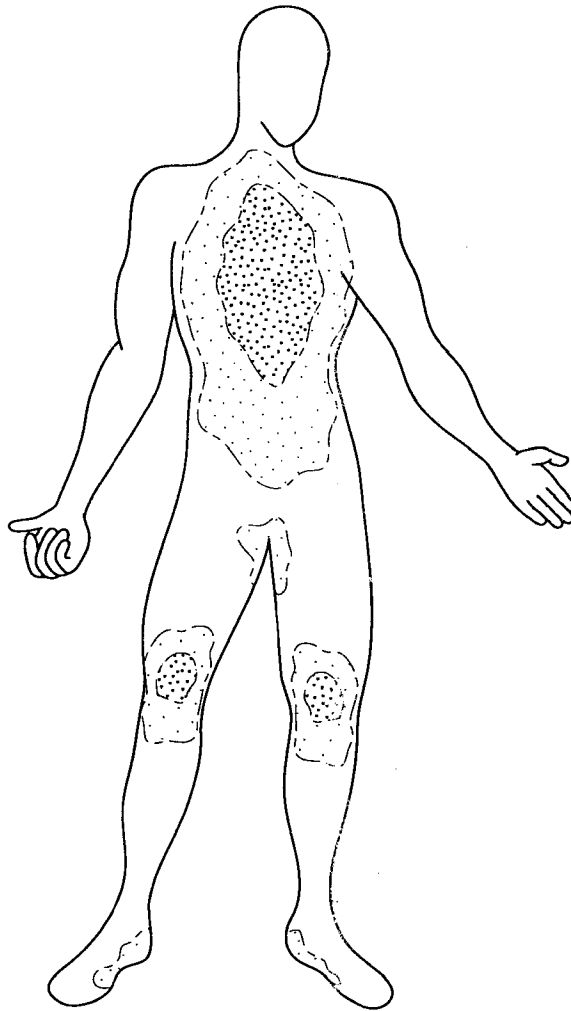


FIG. 1

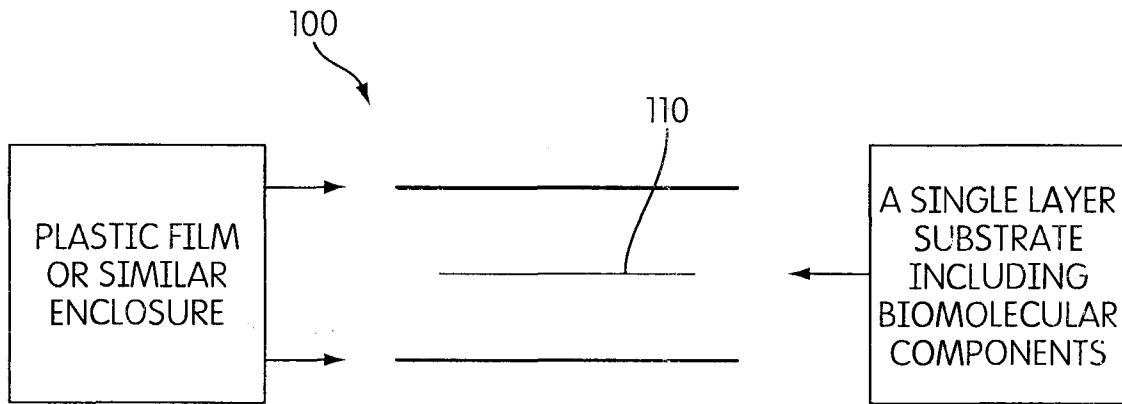


FIG. 2A

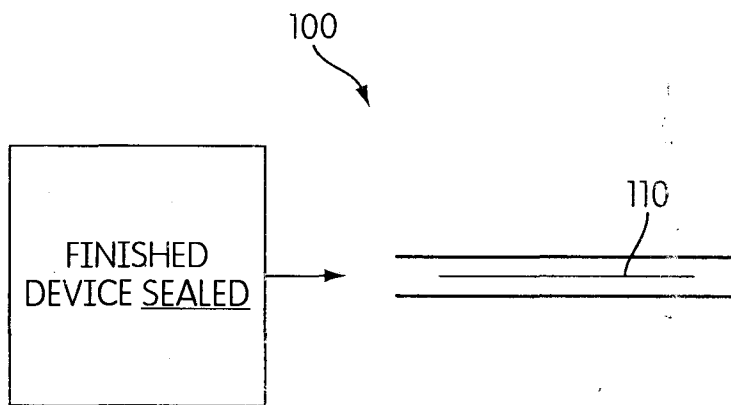


FIG. 2B

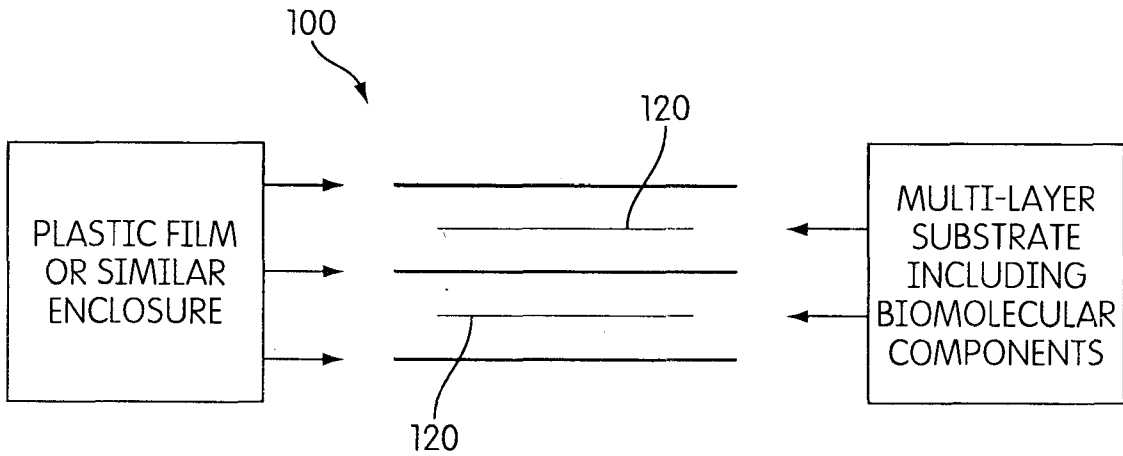


FIG. 3A

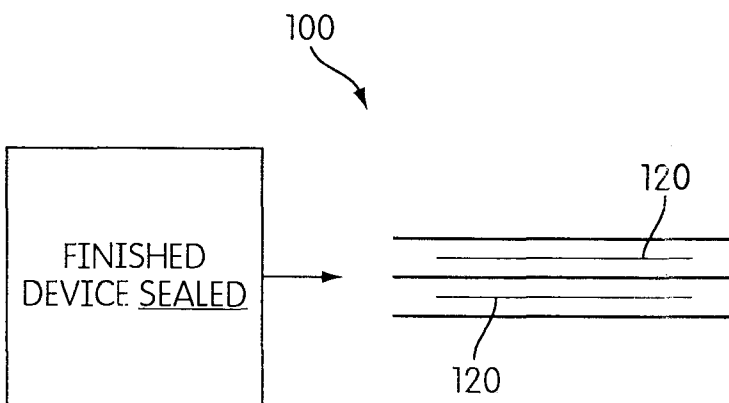


FIG. 3B

REPLACEMENT SHEET

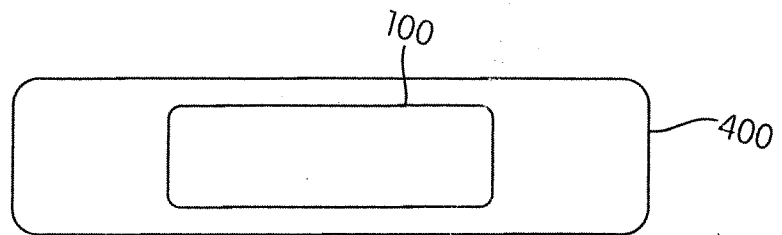


FIG. 4

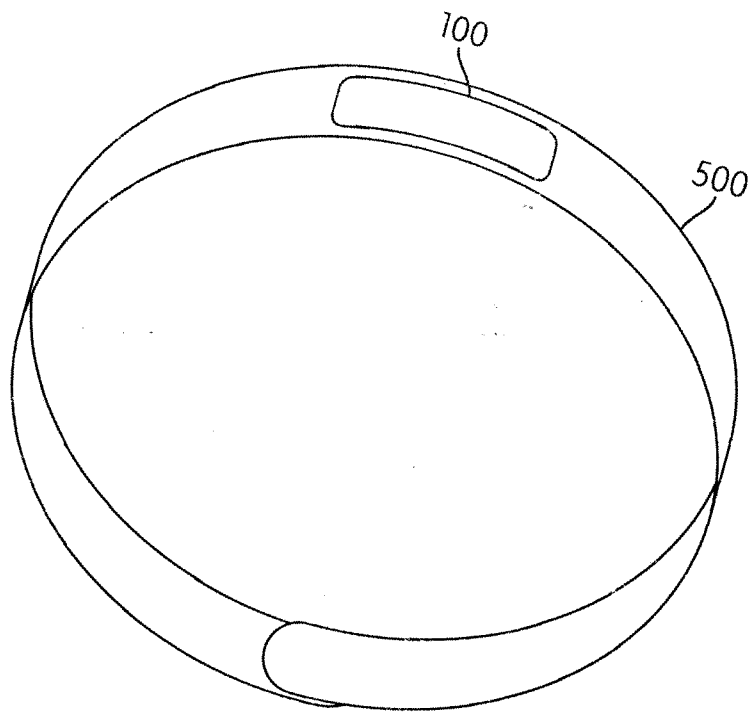


FIG. 5

REPLACEMENT SHEET

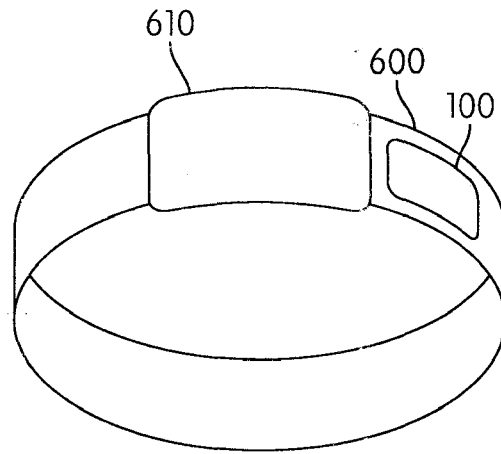


FIG. 6

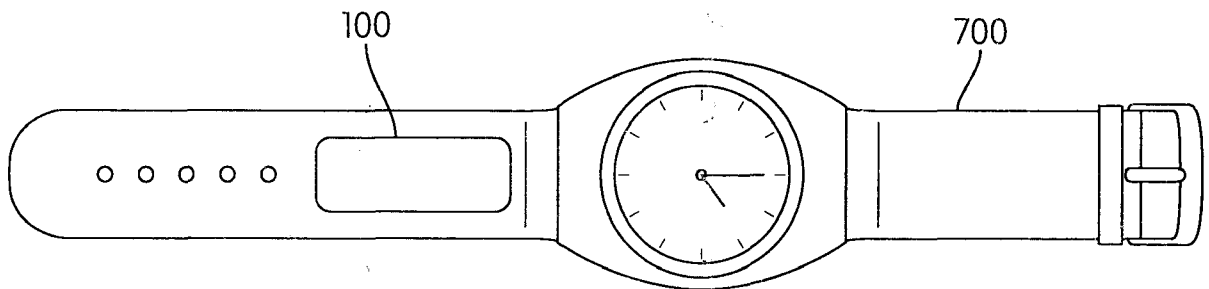


FIG. 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: David Schmidt
SERIAL NO.: 12/915,419
ATTORNEY DOCKET NO.: 052775-0390871
FILING DATE: October 29, 2010
PRIOR ART UNIT: 1615
PRIOR EXAMINER: Isis A.D. Ghali
FOR: BIOMOLECULAR WEARABLE APPARATUS

SUPPLEMENTAL PRELIMINARY AMENDMENT

Mail Stop Amendment

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

Dear Sir:

In response to the Notice to File Missing Parts mailed **November 15, 2010**, and supplemental to the preliminary amendment accompanying the application, please amend the above-identified application as follows:

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

Remarks begin on page 7 of this paper.

It is not believed that any fees are due to enter and consider this paper. If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 052775-0390871**).

AMENDMENT TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the Application.

LISTING OF CLAIMS:

1-57 (Canceled).

58. **(Previously presented)** A system for application to a subject's body to provide a beneficial biological effect for the subject, the apparatus comprising at least one Left-Handed organic material-containing apparatus and at least one Right-Handed organic material-containing apparatus for simultaneous application to a subject's body:

A. the at least one Left-Handed organic material-containing apparatus for application to a first position on a subject's body comprises

- 1 at least one organic material including a Left-Handed molecule;
- 2 at least one substrate for said at least one organic material; and
- 3 at least one enclosure for said at least one organic material and said at least one substrate; and

B. the at least one Right-Handed organic material-containing apparatus for application to a second position on a subject's body separate and distinct from the first position comprises

- 1 at least one organic material including a Right-Handed molecule;
- 2 at least one substrate for said at least one organic material; and
- 3 at least one enclosure for said at least one organic material and said at least one substrate,

wherein the at least one Left-Handed organic material-containing apparatus and the at least one Right-Handed organic material-containing apparatus together provide the beneficial biological effect.

59. **(Previously presented)** The system of claim 58, wherein the Left-Handed

organic material-containing apparatus comprises a plurality of Left-Handed molecules.

60. **(Previously presented)** The system of claim 58, wherein the Right-Handed organic material-containing apparatus comprises a plurality of Right-Handed molecules.

61. **(Previously presented)** The system of claim 58, wherein the combination of the Left-Handed organic material-containing apparatus and the Right-Handed organic material-containing apparatus is capable of causing the beneficial biological effect by interacting with a thermomagnetic energy-flow within the human body.

62. **(Previously presented)** The system of claim 58, wherein said Left-Handed molecule is an amino acid, wherein said amino acid is selected from the group consisting of L-Alanine, L-Arginine, L-Asparagine, L-Aspartic Acid, L-Carnitine, Acetyl-L-Carnitine, L-Carnitine L-Tartrate, L-Carnitine Magnesium Citrate, L-Citrulline, L-Cysteine, L-Cystine, L-GABA, L-Glutamic Acid, L-Glutamine, Glutathione Peroxidase, L-Glycine, L-Histidine, Hydroxyglutamic Acid, Hydroxyproline, L-Isoleucine, L-Leucine, Norleucine, L-Lysine, L-Methionine, L-Omithine, L-Valine, L-Phenylalanine, L-Proline, L-Serine, L-Taurine, L-Threonine, L-Tryptophan, and L-Tyrosine.

63. **(Previously presented)** The system of claim 58, wherein said Right-Handed molecule is a D-form of an amino acid, wherein said amino acid is selected from the group consisting of D-Alanine, D-Arginine, D-Asparagine, D-Aspartic Acid, D-Carnitine, Acetyl-D-Carnitine, D-Carnitine D-Tartrate, D-Carnitine Magnesium Citrate, D-Citrulline, D-Cysteine, D-Cystine, D-GABA, D-Glutamic Acid, D-Glutamine, D-Glutathione Peroxidase, D-Glycine, D-Histidine, D-Hydroxyglutamic Acid, D-Hydroxyproline, D-Soleucine, D-Leucine, D-Norleucine, D-Lysine, D-Metbionine, D-Ornithine, D-Valine, D-Phenylalanine, D-Proline, D-Serine, D-Taurine, D-Threonine, D-Tryptophan, and D-Tyrosine.

64. **(Previously presented)** The system of claim 58, wherein the Right-Handed

molecule is a sugar, wherein the sugar is selected from a group consisting of dextrin, dextrose, fructose, galactose, glucose, glycogen, inositol, invert sugar, lactose, levulose, maltose, molasses, sucrose, xylose, and mixtures thereof.

65 66. (Currently amended) The system of claim 58, wherein the Left-Handed molecule is an amino acid, wherein said amino acid is selected from the group consisting of L-Arginine, L-Carnitine, Acetyl-L-Carnitine, L-Carnitine L-Tartrate, L-Carnitine Magnesium Citrate, L-Glutamine, L-Methionine, L-Ornithine, and L-Taurine.

66 67. (Currently amended) The system of claim 58, wherein the Left-Handed molecule is an amino acid, wherein said amino acid is selected from the group consisting of L-Carnitine, Acetyl-L-Carnitine, L-Carnitine L-Tartrate, and L-Carnitine Magnesium Citrate.

67 68. (Currently amended) The system of claim 58, wherein the Right-Handed molecule is a sugar, wherein the sugar is in a form selected from a group consisting of high fructose corn syrup, honey, molasses and sugar cane.

68 69. (Currently amended) The system of claim 58, wherein the Right-Handed molecule is associated with one or more of components including honey and molasses.

69 70. (Currently amended) The system of claim 58, wherein the at least one substrate in the Left-Handed organic molecule-containing apparatus and/or the at least one substrate in the Right-Handed organic molecule-containing apparatus is polyester or cotton.

70 71. (Currently amended) The system of claim 1, wherein said at least one enclosure in the Left-Handed organic molecule-containing apparatus and/or the at least one enclosure in the Right-Handed organic molecule-containing apparatus is made of a plastic film, wherein the plastic film is selected from the group consisting of

polyethylene, polypropylene, ABS, plexiglass, lexan, light polarizing film, and linear low density film.

71 72. (Currently amended) The system of claim 58, wherein the in the Left-Handed organic molecule-containing apparatus and/or the a Right-Handed organic molecule-containing apparatus further comprises one or more adhesive portions so as to attach said apparatus on a skin surface of the subject.

72 73. (Currently amended) The system of claim **71 72**, wherein said one or more adhesive portions includes a medical grade adhesive.

73 74. (Currently amended) The system of claim 58, wherein the first position is an electrically positive point on the body, and wherein the second position is an electrically negative point on the body.

74 75. (Currently amended) The system of claim 58, wherein the first position is a YANG acupuncture point on the body, and wherein the second position is a TIN acupuncture point on the body.

75 76. (Currently amended) The system of claim 58, wherein the Left-Handed organic molecule-containing apparatus and/or the Right-Handed organic molecule-containing apparatus further comprises one or more additives for said at least one organic material, wherein said one or more additives are selected from the group consisting of Glycerin, d-calcium pantothenate, sorbitol, propylparaben, potassium sorbate, methylparaben, and Colloidal Gold.

76 77. (Currently amended) The system of claim 58, wherein said Left-Handed organic molecule-containing apparatus is a patch constructed in layers, said layers including a plastic film or a light polarizing film as an enclosure, a polyester fabric as a substrate, Water, L-Camitine, Glycerin, d-calcium pantothenate, sorbitol, propylparaben,

potassium sorbate, and methylparaben, and wherein said Right-Handed organic molecule-containing apparatus is a patch constructed in layers, said layers including a plastic film or a light polarizing film as an enclosure, a polyester fabric as a substrate, honey, and molasses.

~~77 78-~~ (Currently amended) The system of claim ~~76 77~~, wherein said patch and/or patches are non-transdermal patches in which the enclosure in the Left-Handed organic molecule-containing apparatus and the enclosure in the Right-Handed organic molecule-containing apparatus prevents the at least one organic material from direct contact with the subject's body.

~~78 79.~~ (Currently amended) A method of providing a beneficial biological effect for a subject, the method comprising:

A. applying at least one Left-Handed organic material-containing apparatus to a first position on the subject's body, the apparatus comprising

- 1 at least one organic material including a Left-Handed molecule;
- 2 at least one substrate for said at least one organic material; and
- 3 at least one enclosure for said at least one organic material and said at

least one substrate; and

B. applying at least one Right-Handed organic material-containing apparatus for application to a second position on the subject's body separate and distinct from the first position, the apparatus comprising

- 1 at least one organic material including a Right-Handed molecule;
- 2 at least one substrate for said at least one organic material; and
- 3 at least one enclosure for said at least one organic material and said at

least one substrate.

REMARKS

Claims 58-19 were pending in the application by virtue of the preliminary amendment filed with the present application. This amendment merely re-numbers claims 66-79 to claims 65-78, (claim 65 was missing in the preliminary amendment filed with the application), and corrects the claim dependency of two claims to be consistent with the re-numbered claims. No new matter is presented by the amendments. Accordingly, applicant respectfully requests entry thereof and examination of claims 58-78.

Applicant respectfully submits that the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **December 22, 2010**

Respectfully submitted,

By: /Patrick A. Doody/
Patrick A. Doody
Registration No. 35,022

Customer No. 00909

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

DAVID SCHMIDT

Confirmation No. 7575

Application No.: 12/915,419

Filed: October 29, 2010

For: BIOMOLECULAR WEARABLE APPARATUS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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

Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Applicants respectfully request the Examiner return an initialed copy of the enclosed Form PTO-1449 to Applicants with the next Office communication to indicate that the reference(s) has been considered, per MPEP § 609.

The references were cited by or submitted to the Office in parent application no. 10/669,596, filed September 25, 2003, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 C.F.R. §1.98(d).Respectfully Submitted,

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION Form PTO-1449	Docket Number	Application Number
	052775-0390871	12/915,419
	Applicant(s)	
	David Schmidt	
	Filing Date	Group Art Unit
October 29, 2010		

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NO.	DATE MM- YYYY	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	5,597,976	01-1997	Schroeder			
	B						
	C						
	D						
	E						
	F						
	G						
	H						
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	Y							
	Z							
	AA							
	BB							

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	X	
	Y	
	Z	
	AA	
	BB	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

Electronic Acknowledgement Receipt

EFS ID:	9098292
Application Number:	12915419
International Application Number:	
Confirmation Number:	7575
Title of Invention:	BIOMOLECULAR WEARABLE APPARATUS
First Named Inventor/Applicant Name:	David Schmidt
Customer Number:	00909
Filer:	Patrick A. Doody/Bridgette Breeze
Filer Authorized By:	Patrick A. Doody
Attorney Docket Number:	052775-0390871
Receipt Date:	22-DEC-2010
Filing Date:	29-OCT-2010
Time Stamp:	15:02:45
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		ResponsetoNFCAP.pdf	500072 933d10f191c136c1962ec734a545b9aa4c8902bc	yes	17

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Applicant Response to Pre-Exam Formalities Notice		1	3
Drawings-only black and white line drawings		4	8
Supplemental Response or Supplemental Amendment		9	9
Claims		10	14
Applicant Arguments/Remarks Made in an Amendment		15	15
Information Disclosure Statement (IDS) Filed (SB/08)		16	17

Warnings:

Information:

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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.