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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/164,727 12/02/2005 JOSEPH FRANKLIN FRASCA 5726

29775 7590 03/20/2007
JOSEPH FRANKLIN FRASCA
1270 BURNHAM AVENUE
APT# 1143
LAS VEGAS, NV 89104-1965

EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

MAIL DATE DELIVERY MODE

03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

11/164,727

Examiner

Stephen M. Johnson

Applicant(s)

FRASCA, JOSEPH FRANKLIN

Art Unit

3641

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

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 14 August 2006.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Stephen M. Johnson 571-272-6877

**STEPHEN M. JOHNSON
PRIMARY EXAMINER**

Stephen M. Johnson
Primary Examiner
Art Unit: 3641

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/164,727	12/02/2005	JOSEPH FRANKLIN FRASCA		5726

29775 7590 08/14/2006
JOSEPH FRANKLIN FRASCA
479 EAST PACES FERRY ROAD, NE APT #1121
ATLANTA, GA 30305-3318

EXAMINER

JOHNSON, STEPHEN

ART UNIT PAPER NUMBER

3641

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 11/164,727	Applicant(s) FRASCA, JOSEPH FRANKLIN	
Examiner Stephen M. Johnson	Art Unit 3641	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2005.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2005.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Art Unit: 3641

1. This application contains claims directed to the following patentably distinct species: Species A is illustrated in figs. 1 and 4-5. Species B is illustrated in figs. 1 and 6. Species C is directed to a barrel cavity with a twist of right sections. The species are independent or distinct because each species contains features that patentably distinguish from the others absent evidence or admissions to the contrary.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that **a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.** An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. In paragraph 2 of the written disclosure, this application is listed as a divisional application. This is not accurate. The 11/164,727 application contains subject matter not present in parent application 10/707,607. Consequently, it cannot be accurately described as a divisional. It would be more aptly described as a continuation in part of 10/707,607.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3641

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3, 5-7, 12-14, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as **failing to comply with the written description requirement**. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 3, it is not understood as to how the a short circuit between the power rails is provided or what is vaporized to provide the short circuit.

In claim 5, 12, and 19, it is not understood as to how one can have a barrel cavity with a twist composed of area elements of right sections when the power rails have been previously described as being “parallel to said cavity axis” (see claim 1).

5. Claims 3, 5-7, 12-14, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as **failing to comply with the enablement requirement**. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 3, it is not understood as to how the a short circuit between the power rails is provided or what is vaporized to provide the short circuit.

In claims 5, 12, and 19, it is not understood as to how one can have a barrel cavity with a twist composed of area elements of right sections when the power rails have been previously described as being “parallel to said cavity axis” (see claim 1).

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6. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, the phrase “profile its length” should be [profile along its length] for grammatical correctness. Throughout the claims, the term “breach” should be [breach] to be consistent with firearm technology. In claim 1, line 23, what structure is intended to be associated with the claimed “ray extension therefrom”? In claim 1, lines 33-35, the phrase “said power rail” lacks an antecedent. In claim 1, lines 34 and 35, the phrases “similar in length” and “similar location” make the claim indefinite as to how closely related in length and location the barrel bus must be to infringe the claims. In claim 1, line 47, the phrase “the narrow cavity wall” lacks an antecedent. In claim 1, lines 47-48, what location is intended by the phrase “the narrow cavity wall distal the barrel bus and the barrel rail thereat” is not understood. In claim 1, line 67, the phrase “the cavity’s narrow end walls” lacks an antecedent. In claim 1, line 69, the phrase “the barrel bus proximal power rail” lacks an antecedent. In claim 1, lines 68-69, the phrase “the cavity surface” lacks an antecedent. In claim 1, lines 68-69, what surface is intended by the phrase “the cavity surface of the barrel bus proximal power rail”? In claim 1, lines 76, 78, and 88, the phrase “the barrel bus distal power rail” lacks an antecedent. In claim 1, lines 79, 82, 89, and 92, the phrases “the first wall conductor assembly” and “the second wall conductor assembly” lack antecedents. In claim 1, lines 81 and 84, what conductor is intended by the phrase “forward wall conductor of said assembly”? In claim 1, lines 90-91 and 93-94, what conductor is intended to be associated with the claimed “aft wall conductor of said assembly”? In claim 1, lines 95-97, the phrase “propulsion bus-aft shunt circuit means” should be claimed as

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[said propulsion bus-aft shunt circuit means] if the previously applied circuit means (see claim 1, line 71) is intended. In claim 1, line 99, the phrase “the barrel bus distal narrow end wall” lacks an antecedent. In claim 1, lines 103 and 104, use of the phrases “of length similar” and “similar location” are indefinite as to both what degree of length and location are intended. In claim 1, line 107, the phrase “the current shunts” is indefinite because it lacks complete agreement with its antecedent. In claim 1, lines 108 and 112, how is the term “an armature” intended to relate to the previously claimed “armatures” (see claim 1, line 53)? In claim 1, lines 106 and 111, what surfaces are intended by the phrases “surface at the end of said propulsion bus” and “surface on the aft current shunt”?

In claim 2, how is the term “an armature” intended to relate to the previously claimed armatures (see claim 1)? In claim 3, line 2, the phrase “the cavity breach” lacks an antecedent. In claim 3, line 2, what structure is intended to correspond to the claimed “a fuse pin”? In claim 3, line 4, the phrase “the second power rail” lacks an antecedent and has been previously described by a different terminology (see claim 1). In claim 4, line 3; and in claim 6, line 3; what shunts are intended by the phrase “the current shunts therein”? In claim 7, the phrase “the barrel cavity” lacks an antecedent.

Claim 8 is indefinite for all of the reasons previously listed with regard to claim 1. Further, in claim 8, lines 31-32, and 34, the phrase “said barrel bus” makes the claim indefinite as to which barrel bus is intended. In claim 8, line 63, what power rail is intended by the phrase “the power rail proximal the barrel buses”? In claim 8, line 71, what power rail is intended by the phrase “the barrel buses proximal power rail”? In claim 8, lines 74-75, what direction is intended by the phrase “the direction of barrel cavity traverse by the armature”? In claim 8, line 121, the phrase

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“the barrel bus distal power rail” lacks an antecedent. In claim 8, lines 133-134, the term “aft current shunt” should be claimed as [the aft current shunt] if this is the intended antecedent.

Claims 9-11 and 16-18 are indefinite for the reasons already listed with regard to claims 2-4. Claim 15 is indefinite for all the reasons previously listed with regard to claims 1 and 8.

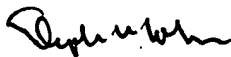
7. Claims 1-2, 4, 8-11, and 15-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meger and Jasper Jr. disclose state of the art rail guns.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
August 9, 2006

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	Electromagnetic Gun With Parallel Wall Conductor Assemblies
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Application Number : **11/164,727**
 Confirmation Number:
 First Named Applicant: JOSEPH FRASCA
 Attorney Docket Number:
 Art Unit: 3641
 Examiner: Mr. STEPHEN JOHNSON
 Search string: (2112264 or 5076136 or 5217948 or 5294850 or 5375504 or 5237904 or 4319168 or 5078042 or 4625618 or 5127308 or 5076135).pn

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
1	1	2112264	1938-03-29	BOWLES		139	134
2	2	5076136	1991-12-31	AIVALIOTIS et al		89	8
3	3	5217948	1993-06-08	LEUNG et al.		89	8
4	4	5294850	1994-03-15	WEH et al.		310	13
5	5	5375504	1994-12-27	BAUER, DAVID P.		89	8
6	6	5237904	1993-08-24	KUHLMANN-WILSDORF		89	8
7	7	4319168	1982-03-09	KEMENY		124	3
8	8	5078042	1992-01-07	JENSEN		89	8
9	9	4625618	1986-12-02	HOWANICK		124	3
10	10	5127308	1992-07-07	THOMPSON et al.		89	8
11	11	5076135	1991-12-31	HURN et al.		89	16

Signature

Examiner Name	Date
<i>Stephen Johnson</i>	8/16/06

Notice of References Cited	Application/Control No. 11/164,727	Applicant(s)/Patent Under Reexamination FRASCA, JOSEPH FRANKLIN	
	Examiner Stephen M. Johnson	Art Unit 3641	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-5,856,630	01-1999	Meger, Robert A.	89/8
*	B US-4,854,215	08-1989	Jasper, Jr., Louis J.	89/8
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U
	V
	W
	X

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Stephen M. Johnson 8/19/2006

Index of Claims



Application/Control No.

11/164,727

Examiner

Stephen M. Johnson

Applicant(s)/Patent under Reexamination

FRASCA, JOSEPH FRANKLIN

Art Unit

3641

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date						
Final	Original	8/9/06						
	1	v						
	2	v						
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Search Notes

Application/Control No.

11/164,727

Examiner

Stephen M. Johnson

Applicant(s)/Patent under
Reexamination

FRASCA, JOSEPH FRANKLIN

Art Unit

3641

SEARCHED

Class	Subclass	Date	Examiner
89	8	8/9/2006	SJ

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
BRS text search conducted on 8/9/2006 as included.	8/9/2006	SJ

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	12	(("2112264") or ("5076136") or ("5217948") or ("5294850") or ("5375504") or ("5237904") or ("4319168") or ("5078042") or ("4625618") or ("5127308") or ("5076135")).PN.	USPAT; USOCR	OR	OFF	2006/08/09 09:11
L2	601	(89/8).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	OFF	2006/08/09 09:12
L3	439	89/8.ccls.	USPAT	OR	OFF	2006/08/09 09:12
L4	731741	cross adj section	USPAT	OR	OFF	2006/08/09 09:12
L5	124841	right same section	USPAT	OR	OFF	2006/08/09 09:13
L6	66678	4 and 5	USPAT	OR	OFF	2006/08/09 09:13
L7	18	3 and 6	USPAT	OR	OFF	2006/08/09 09:13

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/164,727	12/02/2005	JOSEPH FRANKLIN FRASCA	

29775
 JOSEPH FRANKLIN FRASCA
 479 EAST PACES FERRY ROAD, NE APT #1121
 ATLANTA, GA 30305-3318

CONFIRMATION NO. 5726
FORMALITIES LETTER

Date Mailed: 03/20/2006

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$415 for a Small Entity

- \$65 Surcharge.
- The application search fee has not been paid. Applicant must submit \$250 to complete the search fee.
- The application examination fee has not been paid. Applicant must submit \$100 to complete the examination fee for a small entity in compliance with 37 CFR 1.27

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

03/28/2006 HVUONG1 00000029 11164727

01 FC:2051 65.00 OP
 02 FC:2111 250.00 OP
 03 FC:2311 100.00 OP

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MAR 27 2006

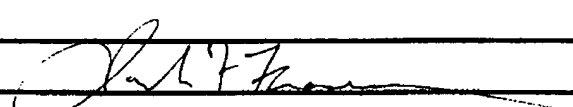
PTO/SB/21 (09-04)

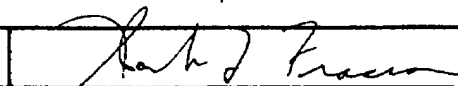
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	11/164,727
	Filing Date	12/02/2005
	First Named Inventor	JOSEPH FRANKLIN FRASCA
	Art Unit	3641
	Examiner Name	
Total Number of Pages in This Submission	4	Attorney Docket Number

ENCLOSURES (Check all that apply)		
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