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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/930,221	11/02/2015	Maarten KUENEN	2014P01067US	5082

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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Valhalla, NY 10595

EXAMINER

ABOUELELA, MAY A

ART UNIT PAPER NUMBER

3736

NOTIFICATION DATE DELIVERY MODE

04/17/2017

ELECTRONIC

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

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

465 Columbus Avenue
Suite 340
Valhalla, NY 10595

In re Application of: Kuenen et al. :
Appl. No.: 14/930,221 : DECISION ON PETITION
Filed: November 2, 2015 :
Attorney Docket No.: 2014P01067US :
For: METHOD AND DEVICE FOR MEASURING
INTRACRANIAL PRESSURE, ICP, IN A SUBJECT

This is a decision on the petition filed on March 21, 2017 in which petitioner requests reconsideration and withdrawal of the restriction requirement mailed in the December 1, 2016 Office Action. The petition is being considered pursuant to 37 CFR 1.181 and CFR 1.144 and no fee is required for the petition.

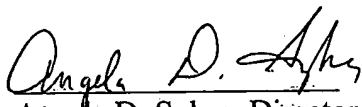
The petition is **granted**.

In finding petitioner's arguments persuasive, the requested relief is granted. The restriction requirement from December 1, 2016 is hereby withdrawn. Petitioner's amendment filed on February 1, 2017 will be entered into the application. The examiner will issue an Office Action to rejoin and treat withdrawn claims 18-21 on their merits.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3736 for preparation of an Office Action consistent with this decision in due course.

Any inquiry regarding this decision should be directed to Michael Hayes, Quality Assurance Specialist, at (571) 272-4959.

PETITION GRANTED.


Angela D. Sykes, Director
Technology Center 3700

**CUSTOMER NO.: 24737
EXPEDITED PROCEDURE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) Examiner: Abouelela, May A.
Maarten Kuenen et al.)
) Art Unit: 3736
Serial No.: 14/930,221)
) Confirmation: 5082
Filed: November 2, 2015)
)
For: METHOD AND DEVICE FOR)
MEASURING)
INTRACRANIAL PRESSURE,)
ICP, IN A SUBJECT)
)
Date of Last Office Action:)
December 1, 2016)
)
Attorney Docket No.:)
2014P01067US) Cleveland, OH 44115
PKRZ 202489US01) March 14, 2017

PETITION FOR REMOVAL OF RESTRICTION REQUIREMENT

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

Dear Sir:

This paper is being filed prior to an Appeal Brief.

On page 2 of the Final Office Action issued December 1, 2016, the Examiner states that claims 1 and 9 do not necessarily require a pulse oximeter to detect SRVPs and a camera to measure height difference between the head of the subject and the chest of the subject, as required by claim 18.

The Examiner goes on to say that the *first* sensor of claims 1 and 9 can be any other type of sensor rather than a pulse oximeter. Dependent claims 15 and 16, previously examined by the Examiner, call for the first sensor to be a camera, and for the

second sensor to be an accelerometer, a gyroscope, or a camera. The Examiner has already searched and considered the pulse oximeter limitation. The second sensor is not narrowed to be on the three choices that were previously searched and considered.

As noted at page 7, line 18 – 32 of the present application, the first sensor can be any suitable sensor for measuring or detecting the presence of SRVPs in an eye of the subject. One suitable sensor can be a pulse oximeter. Therefore, the first sensor of claims 1 and 9 would require the Examiner to search for a pulse oximeter (among any other suitable sensors). Therefore, the recitation of the pulse oximeter in claim 18 does not produce a burden of the Examiner to search for the first sensor of claims 1 and 9. If anything, reciting a pulse oximeter in claim 18 would for an easier search for the Examiner. Note the table below (only claims 9 and 18 are listed in the table for convenience):

9. A device for measuring the intracranial pressure (ICP) in a subject, the device comprising:	18. (Currently Amended) A device for measuring the intracranial pressure (ICP) in a subject, the device comprising:
a first sensor configured to detect whether spontaneous retinal venous pulsations (SRVPs) are occurring in the eye of the subject as the orientation of the head of the subject changes;	a pulse oximeter configured to detect whether spontaneous retinal venous pulsations (SRVPs) are occurring in the eye of the subject as the orientation of the head of the subject changes;
a second sensor configured to measure an angle of rotation of the head about an axis that is perpendicular to a sagittal plane through the head or body of the subject;	a camera configured to measure a height difference between the head of the subject and the chest of the subject <u>an angle of rotation of the head about an axis that is perpendicular to a sagittal plane through the head or body of the subject;</u>

a control unit configured to:	at least one processor programmed to:
identify the orientation of the head of the subject at which SRVPs start to occur and stop occurring from outputs from the first sensor and second sensor; and	identify an orientation of the head of the subject at which SRVPs start to occur or stop occurring from outputs from the first sensor and second sensor; and
use the identified orientation of the head of the subject at which SRVPs start to occur and stop occurring to determine the ICP in the subject.	determine the ICP in the subject from the identified orientation <u>measured angle of rotation</u> .

The Examiner also states that the device in claim 18 doesn't necessarily require a sensor to measure the orientation of the head of the subject, as recited in claims 1 and 9. However, page 7, lines 4-7 of the present application state that the second sensor can be a camera. The camera of claim 18 is configured to measure an angle of rotation of the head about an axis that is perpendicular to a sagittal plane through the head or body of the subject, which is the same angle measured by the second sensor of claim 9. Again, this does not produce an unreasonable search burden on the Examiner.

Removal of the Restriction Requirement is requested.

Respectfully submitted,

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