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

Application No. 10/825,792
Applicant(s) CHAN ET AL.
Examiner Shay L. Balsis
Art Unit 1744

-- 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 1 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) X Responsive to communication(s) filed on 16 April 2004.
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) X Claim(s) 1-11 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   4a) Of the above claim(s) _____ is/are withdrawn from consideration.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) _____ is/are rejected.
7)□ Claim(s) _____ is/are objected to.
8) X Claim(s) 1-11 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 _____ 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 _____.
4)□ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5)□ Notice of Informal Patent Application (PTO-152)
6)□ Other: _____.
DETAILS ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Applicant must select an embodiment from each section below:

**Bristle carriers:**

Figure 3

Figure 4

**Massaging means:**

Figure 7

Figure 10

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. Currently, claims 1-5 are generic.

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 are written in dependent form or otherwise include all the
limitations of an allowed 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).

Should applicant traverse on the ground that the species are not patentably distinct,
applicant should submit evidence or identify such evidence now of record showing the species to
be obvious variants or clearly admit on the record that this is the case. In either instance, if the
examiner finds one of the inventions unpatentable over the prior art, the evidence or admission
may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Richard Alexander on 12/16/05 to request an oral election
to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an
election of the invention to be examined even though the requirement be traversed (37 CFR
1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the
inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the
currently named inventors is no longer an inventor of at least one claim remaining in the
application. Any amendment of inventorship must be accompanied by a request under 37 CFR
1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The
examiner can normally be reached on 7:30-5:00 M-Th, alternating F.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
12/16/05

RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700