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<p><b>THIRD-PARTY SUBMISSION                  UNDER 37 CFR 1.290</b></p> <p>(Do <b>not</b> submit this form electronically via EFS-Web)</p>	<p>Application Number (required):</p> <p style="font-size: 1.2em; text-align: center;">13/432,424</p>
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**U.S. PATENTS AND U.S. PATENT APPLICATION PUBLICATIONS**

Cite No.	Document Number	Issue Date or Publication Date	First Named Inventor
	Number-Kind Code <sup>1</sup>	MM/DD/YYYY	
1	US- 6,280,785	08/28/2001	Junsheng Yang
2	US- 4,032,667	06/28/1977	Walter Kreuter
	US-		
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**FOREIGN PATENTS AND PUBLISHED FOREIGN PATENT APPLICATIONS**

Cite No.	Country or Patent Office and Document Number	Publication Date	Applicant, Patentee or First Named Inventor	Translation Attached
	Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>4</sup>	MM/DD/YYYY		
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1. If known, enter kind of document by the appropriate symbols indicated on the document under WIPO Standard ST.16. See MPEP 901.04(a). 2. Enter the country or patent office that issued the document by two-letter country code under WIPO Standard ST.3. See MPEP 1851. 3. For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 4. If known, enter kind of document by the appropriate symbols indicated on the document under WIPO Standard ST.16. See MPEP 901.04(a).

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<b>THIRD-PARTY SUBMISSION                  UNDER 37 CFR 1.290</b>  (Page 2 of 2)	Application Number (required):  <div style="text-align: center; font-size: 1.2em;">13/432,424</div>
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**NON-PATENT PUBLICATIONS (e.g., journal article, Office action)**

Cite No.	Author (if any), title of the publication, page(s) being submitted, publication date, publisher (where available), and place of publication (where available)	Translation Attached	Evidence of Publication Attached
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**STATEMENTS**

The party making the submission is not an individual who has a duty to disclose information with respect to the above-identified application under 37 CFR 1.56.  
 This submission complies with the requirements of 35 U.S.C. 122(e) and 37 CFR 1.290.

- The fee set forth in 37 CFR 1.290(f) is submitted herewith.
- The fee set forth in 37 CFR 1.290(f) is not required because this submission lists three or fewer total items and, to the knowledge of the person signing the statement after making reasonable inquiry, this submission is the first and only submission under 35 U.S.C. 122(e) filed in the above-identified application by the party making the submission or by a party in privity with the party.

<b>Signature</b>	s/Kit Walsh/	<b>Date</b> April 4, 2013
<b>Name (Printed/Typed)</b>	Kit Walsh	<b>Reg. No., if applicable</b>

<b>Examiner Signature*</b>		<b>Date Considered</b>	
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\*EXAMINER: Signature indicates all items listed have been considered, except for citations through which a line is drawn. Draw line through citation if not considered. Include a copy of this form with next communication to applicant.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 13/432,424 Confirmation No.: 4618  
Inventor(s): Zimmerman et al.  
Filed: March 28, 2012  
Art Unit: 1792  
Examiner: Leff, Steven N.  
For: Additive Manufacturing System and Method for Printing Customized  
Chocolate Confections

Petitioners: Electronic Frontier Foundation

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**NOTIFICATION REQUEST OF NON-COMPLIANT THIRD-PARTY  
PREISSUANCE SUBMISSION**

The undersigned requests notification via e-mail to the following address in the event the third-party submission is determined to be non-compliant.

E-mail Address: [cwalsh@cyber.law.harvard.edu](mailto:cwalsh@cyber.law.harvard.edu)

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

By its counsel,

s/Kit Walsh/

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Date: April 4, 2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 13/432,424 Confirmation No.: 4618  
Inventor(s): Zimmerman et al.  
Filed: March 28, 2012  
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For: Additive Manufacturing System and Method for Printing Customized  
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Petitioners: Electronic Frontier Foundation

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**THIRD-PARTY PREISSUANCE SUBMISSION UNDER 37 C.F.R. § 1.290**

**CONCISE DESCRIPTION OF RELEVANCE**

**Cite No. 1 – Document Number US-6,280,785**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Listed on accompanying Form PTO/SB/429 are documents that may be considered material to the patentability of this application pursuant to 37 C.F.R. § 1.290.

Zimmerman

Copies of the patents or publications cited are enclosed, except as waived by 37 C.F.R. § 1.290(d)(3)

In accordance with 37 C.F.R. § 1.290(d)(2), Petitioners' undersigned representative submits the following concise description of relevance for the Yang reference (US-6,280,785) ("Yang"), Cite No. 1 on Form PTO/SB/429:

Yang discloses the use of a computer or other controller that receives layer data from CAD software and transmits the information as drive signals to the dispensing head to control the dispensing head's mechanical movements as part of an additive manufacturing system. These mechanical movements determine the shape and dimensions of each layer of the 3D-printed object. Yang at col. 4, lines 25-48. This computer or other controller of an additive manufacturing system is similar to the controller configured to receive printing instructions and to relay commands based on the instructions that is described in Claim 1 of the instant Application. The additive manufacturing system described in Yang can be used to print chocolate 3D objects. Yang at col. 1, line 16; col. 4, lines 16, 51, 57. Yang further discloses a moveable support member onto which the 3D object is printed, by depositing the composition layer by layer. Yang at col. 4, lines 2-4, 25-48; col. 6, lines 55-67; col. 7, lines 1-2; figures 1, 2, 3(b). Such a support member is reminiscent of the platen described by the Applicants in Claim 1 and in ¶¶ 0030, 0042, 0061-0062 of the Specification. A dispensing head that is directed by drive signals from the controller when depositing chocolate onto the support member to print the chocolate 3D object is also disclosed in Yang. Yang at col. 4, lines 2-48; col.6, lines 55-67, col. 7, lines 1-2. The dispensing head described in Yang can use an extrusion nozzle to extrude the chocolate when printing the object. Yang at col. 1, lines 29-33; col. 11, lines 20-34. The dispensing head in Yang is similar to the print head disclosed in Claims 1 and 9 of the instant Application. The method of using the dispensing head in Yang is reminiscent of the method for using the print head to extrude chocolate as described in Claim 15 of the instant Application.

Zimmerman

Yang also teaches the use of a pump to bring the liquid chocolate material to the print head from the chamber of the dispensing head that stores the chocolate and the method of pumping liquid chocolate from the chamber to the dispensing head. Yang at col. 2, lines 44-62 (discussing relevant prior work in the field); col. 6, lines 34-54; col. 13, lines 38-53. The pump described by Yang is similar to the pump in Claim 9 of the instant Application and the method in Yang of using the pump is similar to the method of pumping mentioned in Claim 15 of the instant Application.

Should Examiner or the Office find that the above statement of relevance, or any portion thereof, is non-compliant with some requirement of 37 C.F.R. § 1.290, Petitioners respectfully request the third-party submission be entered if the error is of such minor character that it does not raise an ambiguity as to the content of the submission. *See* 70 Fed. Reg. 42,150, 42,168 (July 17, 2012).

Zimmerman

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

By its counsel,

s/Kit Walsh/

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Date: April 4, 2013



Application No.: 13/432,424

Zimmerman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 13/432,424

Confirmation No.: 4618

Inventor(s): Zimmerman et al.

Filed: March 28, 2012

Art Unit: 1792

Examiner: Leff, Steven N.

For: Additive Manufacturing System and Method for Printing Customized  
Chocolate Confections

Petitioners: Electronic Frontier Foundation

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**THIRD-PARTY PREISSUANCE SUBMISSION UNDER 37 C.F.R. § 1.290**

**CONCISE DESCRIPTION OF RELEVANCE**

**Cite No. 2 – Document Number US-4,032,667**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Listed on accompanying Form PTO/SB/429 are documents that may be considered material to the patentability of this application pursuant to 37 C.F.R. § 1.290. Copies of the patents or publications cited are enclosed, except as waived by 37 C.F.R. § 1.290(d)(3).

In accordance with 37 C.F.R. § 1.290(d)(2), Petitioners' undersigned representative submits the following concise description of relevance for the Kreuter reference (US-4,032,667) ("Kreuter"), Cite No. 2 on Form PTO/SB/429:

Kreuter discloses a cycle for the repeated usage of flowable chocolate, where some of the chocolate is used and the remaining chocolate is returned for further use in the cycle. The cycle is set up to keep the chocolate in a tempered state as it flows through the cycle. Kreuter at col. 1, lines 8-68 (discussing prior work in the field); col. 4, lines 27-56. This cycle is similar to the recirculation loop described in Claim 1 of the instant Application. Kreuter teaches the use of several stages of heating the chocolate, with an ultimate temperature of 33-34°C (91.4-93.2°F) to temper the chocolate, and application of a high shear stress to help maintain the tempered state. Kreuter at col. 2, lines 53-65; col. 4, lines 10-56; col. 8, lines 48-61. The heating and shearing in Kreuter is similar to the reservoir for shearing and heating and the step of shearing and heating chocolate in a reservoir described in Claims 9 and 15 of the instant Application. Kreuter further discloses maintaining the temperature of the chocolate as it passes through the housing, pumps, and conduits, with the use of double walls within which a thermostatically controlled heating medium circulates, or some other temperature maintenance method. Kreuter at col. 8, lines 9-15. This is reminiscent of the heating line mentioned in Claim 9 of the instant Application, as well as the heating of the flowable chocolate material described in Claim 1.

Should Examiner or the Office find that the above statement of relevance, or any portion thereof, is non-compliant with some requirement of 37 C.F.R. § 1.290, Petitioners respectfully request the third-party submission be entered if the error is of such minor

character that it does not raise an ambiguity as to the content of the submission. *See* 70 Fed. Reg. 42,150, 42,168 (July 17, 2012).

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

By its counsel,

s/Kit Walsh/

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