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EXHIBIT 2028



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/638,876	12/14/2006	Thomas G. Rukavina	2083P1	5050
24959	7590	06/01/2015	EXAMINER	
PPG Industries, Inc. IP Law Group One PPG Place 39th Floor Pittsburgh, PA 15272			SERGENT, RABON A	
			ART UNIT	PAPER NUMBER
			1765	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* PPG INDUSTRIES OHIO, INC.

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Appeal 2013-006445<sup>1</sup>  
Application 11/638,876  
Technology Center 1700

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*Before* FRED E. McKELVEY, ROMULO H. DELMENDO, and  
MARK NAGUMO, *Administrative Patent Judges*.

McKELVEY, *Administrative Patent Judge*.

DECISION ON APPEAL  
*37 C.F.R. § 41.50*

I. Statement of the Case

PPG Industries Ohio, Inc. (“Appellant”), the real party in interest (Appeal Brief (“Br.”), page 2), seeks review under 35 U.S.C. § 134(a) of a final rejection dated 25 April 2012.

The named inventors are: Thomas G. Rukavina and Robert Hunia.

We have jurisdiction under 35 U.S.C. § 134(a).

The application on appeal was filed in the USPTO on 14 December 2006.

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<sup>1</sup> The subject matter involved in this appeal is related to an application involved in Appeal 2013-009229, also decided today. *See* 37 C.F.R. § 41.8(a)(2) with respect to a need for updating a related cases statement after an appeal brief is filed.

Appeal 2013-006445  
Application 11/638,876

Appellant claims priority of various applications, the earliest of which was filed on 1 September 2004.

The application on appeal has been published as U.S. Patent Application Publication 2010/0124649 A1 (20 May 2010).

The Examiner relies on the following evidence.

Chang et al. "Chang"	U.S. Patent 3,764,457	9 Oct. 1973
Ammons "Ammons '529"	U.S. Patent 4,101,529	18 July 1978
Ammons "Ammons '070"	U.S. Patent 4,103,070	25 July 1978
Watanabe et al. "Watanabe"	U.S. Patent 4,632,877	30 Dec. 1986
Bravet et al. "Bravet"	U.S. Patent 4,652,494	24 Mar. 1987

Chang, Ammons '529, and Ammons '070 are assigned to PPG Indus. Inc.

Appellant does not contest the prior art status of the Examiner's evidence, all of which is prior art under 35 U.S.C. § 102(b).

Appellant relies on the following evidence.

Rukavina Declaration	Declaration under 37 C.F.R. § 1.132 of Thomas Rukavina	Dated: 29 Oct. 2010
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We mention the following additional evidence in this opinion.

Wagner	U.S. Patent 3,124,605	10 Mar. 1964
Kennedy	U.S. Patent 5,459,220	17 Oct. 1995

Swiderski et al. “Swiderski”	<i>Synthesis and Properties of Urethane Acrylate Oligomers: Direct versus Reverse Addition</i> , 43 IND. ENG. CHEM. RES., 6281–6284	2004
ASTM Gardner Impact Test “ASTM”	ASTM Designation D 5420-04, Standard Test Method for Impact Resistance of Flat, Rigid Plastic Specimen by Means of a Striker Impacted by a Falling Weight (Gardner Impact)	1 Feb. 2004

## II. Claims on Appeal

Claims 1–15,<sup>2</sup> 17, 19–23, and 26–37 are on appeal. Br., pages 2 and 25–33.

## III. The Rejections

In the Answer, the Examiner has maintained the following rejections:

### Rejection 1:

Claims 1–4, 7–15, 19–23, and 26–37 stand rejected as being unpatentable under 35 U.S.C. § 103 over Ammons ’529 in view of Ammons ’070 or Chang. Answer (“Ans.”), page 3.

### Rejection 2:

Claims 5 and 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ammons ’529 in view of Ammons ’070 or Chang ’457 further in view of Bravet ’494. Ans., pages 4–5.

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<sup>2</sup> We note that dependent claim 10 depends from claim 10. In the event of further prosecution, Appellant may wish to correct the reference to claim 10 in dependent claim 10—which probably should be claim 9.

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