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09/223,545	12/30/98	MURANO	A TAI197-01PA

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IM62/1013

EXAMINER

CHEN, V

ART UNIT

PAPER NUMBER

1773

DATE MAILED:

10/13/00

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

Commissioner of Patents and Trademarks

**Office Action Summary**Application No.  
09/223,545

Applicant(s)

MURANO

Examiner  
Vivian ChenGroup Art Unit  
1773☒ Responsive to communication(s) filed on 6-13-00 and 7/21/00☐ This action is FINAL.☐ 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 Queyle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-96 is/are pending in the application.Of the above, claim(s) 4-10, 12-15, 20, 21, 23-25, 44, 46-53, 56, 58-60, 61-70 are withdrawn from consideration.☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-3, 11, 16-19, 22, 26-43, 45, 54, 55, 57, and 61-70 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election without traverse of Invention I and the species specified in Paper Nos. 9 and 10 is acknowledged.

2. Claims 4-10, 12-15, 20-21, 23-25, 44, 46-53, 56, 58-60, 71-96 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and/or invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Nos. 9 and 10.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claim 1 is rejected under 35 U.S.C. 102(b) as being by KURFMAN ET AL (US 4,115,619) *or* KURFMAN ET AL (US 4,211,822).

Both references disclose a formable, metallized thermoplastic sheet which retains its metallic appearance upon molding.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 11, 16-18, 26-43, 45, 54-55, 57, 61-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over KURFMAN ET AL (US 4,115,619) *or* KURFMAN ET AL (US 4,211,822) in view of EISFELLER (US 4,407,871) *or* DUNNING ET AL (US 4,101,698).

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by KURFMAN ET AL '619 and '822 as stated above. However, in the event the claims are not anticipated, the claims are obvious for the following reasons:

Both KURFMAN ET AL '619 and '822 discloses formable, metallized composites comprising of a first thermoplastic and/or elastomeric layer, a metallized layer, and a second

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thermoplastic and/or elastomeric layer, said composite being suitable to attachment to a further substrate, wherein the first layer may be a polyolefin, a fluorinated polymer, wherein the second layer may be elastomeric polyurethane or an ethylene polymer, and wherein the first and/or second layers are transparent or optionally contain conventional additives such as dyes, pigments, and carbon black (KURFMAN ET AL '619, columns 3, 8) (KURFMAN ET AL '822, line 49, col. 3 to line 18, col. 4; column 9) as recited in claims 1-3, 11, 16, 28-34, 37-39, 45, 54-55, 57, 61-66, 69-70. The polymer layer to be metallized is optionally coated with an adhesive prior to metallization to better adhere the metal to the polymer surface (KURFMAN ET AL '619, lines 1-18, col. 6) (KURFMAN ET AL '822, lines 18-40, col. 7) as recited in claims 1, 17. The metal is typically indium, tin, copper, or alloys thereof (KURFMAN ET AL '619, lines 5-68, col. 4) (KURFMAN ET AL '822, columns 4-5) as recited in claims 26-27, 41-43. However, the reference does not disclose the recited discontinuous metallized layer.

EISFELLER '871 discloses that it is well known to apply discontinuous metallized layers to polymeric substrates and to encapsulate such metallized layers between two polymeric layers in order to form a laminate with improved interlayer adhesion, formability, and resistance to corrosion. DUNNING ET AL discloses that it is well known in the art to apply discontinuous metallized layers between layers of polymeric materials in order to form a laminate with improved formability without loss of metallic appearance or reflectivity.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a discontinuous metallized layer as disclosed in EISFELLER '871 and

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