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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for Donald K. Smith and examiner Jason L. McCormack.

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingPatentBoston@proskauer.com
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Office Action Summary	Application No.	Applicant(s)	
	13/024,027	SMITH ET AL.	
	Examiner	Art Unit	
	JASON MCCORMACK	2881	

-- 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 3 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) Responsive to communication(s) filed on 26 June 2012.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) 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

- 5) Claim(s) 1-55 is/are pending in the application.
- 5a) Of the above claim(s) 9-55 is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-8 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) 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).
- 12) 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

- 13) 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: <u>1/10/2012</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1 (claims 1-8) in the reply filed on 6/26/2012 is acknowledged. Newly amended claims 9, 19, 36, 47, 48, 55, and the claims that depend thereon will not be considered at this time.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "high" in claim 1 is a relative term which renders the claim indefinite. The term "high" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

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.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheymol et al. U.S. PGPUB No. 2006/039435.

Art Unit: 2881

Regarding claim 1, Cheymol discloses that in a chamber [0072] xenon gas may be injected [0052] and then irradiated by a laser [0053] which may be an infrared laser [0010].

Regarding claim 2, Cheymol discloses that xenon gas may be injected into the chamber [0052]. Xenon is a noble gas.

Regarding claim 3, Cheymol discloses that xenon gas may be injected into the chamber [0052].

Regarding claim 4, Cheymol discloses that in a chamber [0072] xenon gas may be injected [0052] and then irradiated by a laser [0053] which may be an infrared laser [0010].

Regarding claim 5, Cheymol discloses that xenon gas may be injected into the chamber [0052].

Regarding claim 6, Cheymol discloses that xenon gas may be injected into the chamber [0052]. Nakar *Radiometric Characterization of Ultrahigh Radiance Xenon Short-arc Discharge Lamps* specifies that the prominent absorption lines of xenon occur at 823, 882, and 992 nm [top paragraph, page 226].

Art Unit: 2881

Regarding claim 7, Cheymol discloses that xenon gas may be injected into the chamber [0052]. Nakar *Radiometric Characterization of Ultrahigh Radiance Xenon Short-arc Discharge Lamps* specifies that the prominent absorption lines of xenon occur at 823, 882, and 992 nm [top paragraph, page 226].

Regarding claim 8, Cheymol discloses that xenon gas may be injected into the chamber [0052].

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kusunose U.S. PGPUB No. 2002/0080834.

Regarding claim 1, Kusunose discloses that in a vacuum chamber [0026], a target material of xenon gas [0027] may be irradiated with an infrared laser [0025] to produce extreme ultraviolet radiation [0026].

Regarding claim 2, Kusunose discloses that the target material may be xenon gas [0027]. Xenon is a noble gas.

Regarding claim 3, Kusunose discloses that the target material may be xenon gas [0027].

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