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D4947

January 31, 1941

2/3/41

Mr. Frederick Laist, Vice-President
International Smelting and Refining Co.
25 Broadway (Room 1720)
New York, N. Y.

Dear Sir:

Re: Gunnard, Bowman and Knox Application,
Ser. No. 178,352, Filed December 6,
1937, For: Method of Producing White
Lead

Enclosed herewith are two copies each of the follow-
ing papers which we have filed or received in connection with
the above-mentioned application:

Status Letter, dated January 28, 1941.

Appeal, dated January 30, 1941.

Amendment, dated January 30, 1941.

I am quite confident that the claims in this applica-
tion are patentable and should be allowed. The Examiner has
stated orally that he considers the claimed invention new,
but persists in his rejection for the reason that he is not
convinced that the results which are achieved by the process
cannot also be achieved by prior processes. We have already
filed two affidavits demonstrating that the results of the
claimed process are new, and to meet the Examiner's further
objections would require still more affidavits. This seems

PNYC00008410

January 31, 1941

to me to involve unnecessary trouble and expense. It is simpler and less expensive to appeal from the Examiner's arbitrary stand. I believe our chances for success on the appeal are quite good, but in any event the appeal has the virtue of bringing prosecution of this case to its closing phase.

Very truly yours,

James W. Laist

Encs.

Copy of letter with enclosures sent Mr. Case -2/3/41

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Paper No. 10

DEPARTMENT OF COMMERCE
United States Patent Office
Washington

Mailed

January 28, 1941

Pennie, Davis, Marvin & Edmonds
165 Broadway
New York, N. Y.

Applicant: Gunnard E. Johnson et
al.
Ser. No. 178,352
Filed Dec. 6, 1937
For Method of Producing White
Lead

STATUS LETTER

The amendments filed January 2 and 10, 1941 have not been entered, as they do not place this application in condition for allowance. Inspection of the affidavit indicates that the building up of the sodium ion concentration is detrimental (last paragraph of page 2), yet claim 4 recites the addition of a sodium salt.

This application will not be reached, in the regular course of examination, prior to the expiration of the statutory period for response. Since an application under final rejection is not entitled to re-examination as a matter of right, the failure of this Office to reach the case for further consideration, does not relieve applicant from the necessity of appeal, if applicant so desires; Ex parte Peterson, 1928 C. D. 31.

Both amendments would be entered for purposes of appeal, if an appeal be taken.

AMENDMENT DUE February 6, 1941

EXAMINER.

PNYC00008412

N11207.01

IN THE UNITED STATES PATENT OFFICE

In re application of :

GUNNARD E. JOHNSON,
REGINALD G. BOWMAN and
WILLIAM J. KNOX, JR., :

Serial No. 178,352 :

METHOD OF PRODUCING
WHITE LEAD

Filed December 6, 1937 :

Div. 56 - Room 4725 :

New York, N.Y., Jan. 30, 1941.

Honorable Commissioner of Patents
Washington, D.C.

S i r :

A P P E A L

We hereby appeal to the Board of Appeals from the decision of the Primary Examiner rejecting claims 2, 4, 5 and 11, in the above-identified application, such rejection having been made final by the Office Action of August 6, 1940, for the following reasons:

1. The Examiner erred in rejecting claims 2, 4, 5 and 11.
2. The Examiner erred in not allowing claims 2, 4, 5 and 11.
3. The Examiner erred as to matters of fact.
4. The Examiner erred as to matters of law.

Our check for \$15.00 to cover the appeal fee is enclosed herewith, and an oral hearing is respectfully requested.

Respectfully submitted,

Attorney

PNYC00008413

N11207.02

D4947
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IN THE UNITED STATES PATENT OFFICE

In re application of

GUNNARD E. JOHNSON,
REGINALD G. BOWMAN and
WILLIAM J. KNOX, JR.,

Serial No. 178,352

Filed December 6, 1937

Div. 56 - Room 4725

METHOD OF PRODUCING
WHITE LEAD

New York, N.Y., January 30, 1941.

Honorable Commissioner of Patents
Washington, D.C.

S i r :

In response to the Status Letter of January 28,
1941, please amend the above-identified application as
follows:

Claim 2, last line, change the period to a comma
and add --whereby the addition of ions
not entering into the composition of the
precipitated white lead is not substan-
tially greater than the loss of such
ions in the course of normal operation of
the cell.--;

Claim 5, line 4, after "salt" insert a comma;
line 9, after "and" insert --by--

R E M A R K S

An appeal from the final rejection of claims 2, 4,
5 and 11 is being filed concurrently herewith.

PNYC0008414

It is respectfully requested that amendments made herewith, the Amendments dated December 31, 1940 and January 9, 1941 (filed on January 2 and January 10, 1941, respectively), and the affidavit of William J. Knox, Jr., dated December 26, 1940, filed concurrently with the amendment dated December 31, 1940, be entered for the purpose of the appeal.

It has been stated in the Status Letter that: "Inspection of the affidavit indicates that the building up of the sodium ion concentration is detrimental (last paragraph of page 2), yet claim 4 recites the addition of a sodium salt." It should be noted, however, that any sodium salt present in the catholyte added to the anolyte in accordance with claim 4 is merely physical transference of the sodium ions already in the electrolyte. This physical transference is offset by the electrical transference within the cell so that the net result is not an addition or building up of sodium ions within the cell.

Respectfully submitted,

Attorneys for Applicants