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D4571

Nov. 7, 1938.

Mr. Frederick Laist, Vice President,
International Smelting & Refining Co.,
25 Broadway, Room 1720,
New York, N.Y.

Re: Johnson et al. Appln. Ser. No. 178,352
Filed Dec. 6, 1937 For "Method of
Producing White Lead."

Dear Mr. Laist:

Enclosed are two copies of an amendment just forward-
ed to the Patent Office in response to the Office action of May 12,
1938.

In preparing this amendment, we selected for prosecu-
tion a group of claims different from the group suggested by Mr.
Knox in his memorandum of June 9, 1938 and forwarded with your letter
of July 16, 1938. The art which the Examiner had cited against
the application was quite close and it seemed to us that the claims
which we selected for further prosecution provided the best scope of
protection that we can reasonably hope to secure for the invention.

Very truly yours,

James W. Laist

Ecls.

IN THE UNITED STATES PATENT OFFICE

In re application of :
Gunnard E. Johnson et al: Method of Producing White
Filed Dec. 6, 1937 : Lead.
Ser. No. 178,352 :
Div. 56 Room 4725 : New York, N.Y., Nov. 7, 1938.

Hon. Commissioner of Patents,
Washington, D. C.

Sir:

In response to the Office action of May 12,
1938, please amend the above-identified application as
follows:

Claim 2, line 13, after "incorporating"
insert --hydroxyl ions--.

Lines 13 and 14, strike out "an alkali
metal hydroxide" and substitute --in an
amount sufficient--.

Claim 4, line 13, after "anolyte" insert --a
sufficient amount of--.

Line 14, change "sodium hydroxide" to
--hydroxyl ions--.

Cancel claims 1, 3, 6 to 10, and 12 to 22
without prejudice.

R E M A R K S

Reconsideration of this application in its
amended form is respectfully requested.

The claims originally presented in the case
were rejected on the ground of undue multiplicity. With this
amendment applicants have restricted the number of claims
in the case to four, which number is believed not to be
excessive.

The claims remaining in the case, two of which have been amended, were rejected as substantially met by Johnson et al. and by Sperry.

Each of the claims remaining in the case is limited to a process in which the catholyte is subjected to excess carbonation, with the excess of carbonate so introduced into the catholyte being compensated for by incorporation of hydroxyl ions in sufficient amount in the anolyte. This procedure greatly simplifies former known methods, in which control of carbonation of the catholyte had to be governed with a high degree of accuracy in order to insure production of a white lead of uniform quality. The new procedure eliminates the necessity for accurate (and difficultly governed) control over carbonation by providing for excess carbonation of the catholyte and appropriate easily regulated additions to the anolyte. The advantages of the new procedure are fully pointed out in the specification.

The Johnson et al. patent does not disclose or suggest the claimed procedure involving excess carbonation, nor does the Sperry patent. In both of these patented processes control over the composition of the product is secured by careful control over the carbonation operation, which is difficult to control. The Examiner's observation that Sperry discloses control over the acidity of the anolyte, and that addition of alkali to the anolyte in the Johnson et al. patent would be obvious, does not affect the patentability of the claims because the claims are specifically limited to a procedure involving excess carbonation of the catholyte. This procedure is not suggested by the references.

The Jackson et al. patent referred to in the fourth paragraph of the Office action is not identified, but judging from the Examiner's comments concerning it, it seems to be directed to a process involving just what the present invention is designed to avoid, that is, accurately controlled deficient carbonation.

The Rosenstein patent seems to have no bearing on the patentability of the claims, for it discloses no more than the known conversion of bicarbonate to carbonate by means of an alkali. Although this reaction is involved in the present process, it is not regarded or claimed per se as new. The new and inventive feature of the process is the provision of an effective procedure permitting of easily regulated excess carbonation of the catholyte in place of heretofore necessary accurately and difficultly controlled exact or deficient carbonation. This feature is not disclosed in any reference.

It is believed that this application is in condition to be passed to issue, and that all of the claims are patentable and should be allowed. Early allowance of the application is therefore respectfully requested.

Respectfully submitted,

Attorneys for Applicants.