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08.02.90

Zeichen/Ref/Réf DCH/CH-1371	Anmeldung Nr. /Application No. /Demande n° //Patent Nr. /Patent No. /Brevet n° 37303681.8-2112/
Anmelder /Applicant /Demandeur //Patentinhaber /Proprietor /Titulaire E.I. DU PONT DE NEMOURS AND COMPANY	

Please
give the
complete
application
number in
all com-
munications

Communication pursuant to Article 96(2) and Rule 51(2) EPC

The /further/ examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of two months

from the notification of this communication, this period being computed in accordance with Rules 78(3) and 83(2) and (4) EPC.

Amendments to the description, claims and drawings are to be filed where appropriate within the said period in three copies on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).

C. Oenhausen

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Enclosures: 2 page/s reasons (Form 2044/2906)

Registered letter

12 FEB 1990

N 30963

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87 303 681.8



The examination is being carried out on the following application documents:

Description:

Pages 1 and 3 to 7 as originally filed

Pages 2 and 2a as filed with your letter of 21/12/89

Claims:

Nos. 1 to 8 as originally filed

- 1) All amendments made comply with Article 123(2); hence, they are acknowledged by the Examining Division.
- 2) The Examining Division agrees with the Applicant in so far as the preparation of the pigment particle is concerned (letter of reply page 1 § 2), e.g. the pigment particles of D1 is manufactured by treating the TiO_2 -particles, said particle bearing a surface coating comprising alumina, with the water soluble organic hydroxide acid or its' salt or ester (see D1 page 2 line 3 to 29); the particle of the invention is manufactured in a slurry (description page 4 line 25 to page 5 line 21).

The subject matter claimed, however, is not a method but a pigment and a coating composition comprising the pigment.

It is not quite clear from the independent claims that the pigment of the invention is different from the pigment of the prior art.



The Applicant says that the important difference is that the acid anions are "associated with the TiO_2 -particles" (letter of reply, page 1 § 3).

Firstly, in order to be able to fulfil the requirements of Article 84 EPC, it must be made clear what this expression means; hence, the explanation on page 3 (line 27 to 29) is to be inserted into claim 1 (Guidelines C III 4.2 EPC).

Secondly, as it is to be taken from the description, the cerium is bound to the TiO_2 -particles, and the alumina is precipitated on the cerium coated TiO_2 -particles. Such a particle is indeed different from the particle being described in D1, which says that the alumina is coprecipitated with the oxide (page 2 line 30 to 35). However, claim 1 on file is not quite clear in so far as the order of the coatings is concerned. In the expression "...the particle surfaces having associated therewith 0,05-2%..." the particle surfaces may refer to the TiO_2 -particles or to the alumina coated TiO_2 -particles. This, claim 1 must be clarified (Article 84 EPC).

- 3) When the objection is overcome, the application will be ready for grant.