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August 20, 1940

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

Dear Sir: Re: Johnson et al. Application, Ser. No.
178,352, Filed December 6, 1937,
For: Method of Producing White Lead

Enclosed are two copies of an Office action recently received in the above-mentioned application. Although the rejection is made final, I feel that the rejection is improper and the Examiner's action arbitrary. I believe it would be advisable to continue prosecution of this case, if necessary going to the Board of Appeals which will not be a very expensive procedure and will give us an opportunity to overcome the Examiner's arbitrary rejection.

I will be very glad to have any comments which you or Mr. Johnson may care to offer concerning this application. Since the Examiner insists that the prior Johnson patent anticipates the claims in this case, it might be helpful to procure an affidavit from Mr. Johnson to the effect that he was unaware of the alleged teachings of his prior patent until they had been pointed out to him by the Examiner.

Very truly yours,

Sam W. Laist

Copy with enclosure sent to Mr. Case - August 21, 1940_g

PNYC00008442

DEPARTMENT OF COMMERCE
United States Patent Office
Washington

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

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

AMENDMENT DUE February 6, 1941 MAILED August 6, 1940

Responsive to letters of October 14, 1939 and December 28, 1939.

Claims 2, 4, 5 and 11 are again rejected as unpatentable over Johnson et al. The affidavit submitted has been carefully considered, but is not thought to constitute a showing of unexpected results. The steps recited in the first paragraph of page 3 of the affidavit indicate that affiant followed the Harrington process. Comparison should have been made with processes 2 and 4 of the reference (page 1, lines 39 to 50), in neither of which is it necessary to titrate the catholyte, adjust the CO₂ damper, or rely on flow of catholyte through the diaphragm. In comparison with processes 2 or 4 of Johnson et al, applicant differs in adding alkali (instead of acid) to the anolyte. As it is well known that the bicarbonate ion can be adjusted either by adding acid or alkali (note Rosenstein), no invention is seen in the claimed process.

As an issue is reached, this action is FINAL.

Examiner.

FINAL

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