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Mr. David J. Gould
E.I. DU PONT DE NEMOURS AND COMPANY
Legal Department, Patent Records Center
1007 Market Street
Wilmington, Delaware 19898
U.S.A.

4 April 1990

Dear David,

European Patent Application No. 87 303 681.8
Your reference : CH-1371

Further to my letter dated March 23, 1990, I have now received a further official action in the above matter.

It seems that the Examiner has misinterpreted our supplementary response as being in answer to the second official letter. Consequently, the Examiner has issued a third official letter in which the objections as to the lack of clarity in claim 1 has been repeated.

I will, of course, explain what has occurred when replying to the outstanding objections. In the meantime I look forward to receiving your comments on the proposed amendments.

Yours sincerely,

* now received - many thanks
FILE CHECKED

DAVID C. WOODCRAFT MAY 2 1990

Encl:

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CARD 22/4.1.1 DCA



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Datum/Date

28.03.90

Zeichen/Ref/Réf DCN/CH-1371	Anmeldung Nr. /Application No. /Demande n° //Patent Nr. /Patent No. /Brevet n° 873 03681.8-2112/
Anmelder/Applicant /Demandeur//Patentinhaber /Proprietor /Titulaire E. I. DU PONT DE NEMOURS AND COMPANY	

Please
give the
complete
application
number in
all communications

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

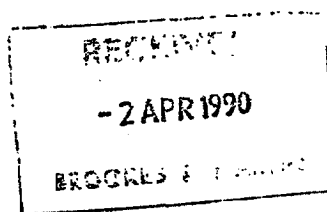
from the notification of this communication, this period being computed in accordance with Rules 78(3) and 83(2) and (4) EPC.

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Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).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

C. Oenhansen



Telephone numbers:

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(substantive examination)

(0 89) 23 99- 2813

Primary examiner
for the Examining Division

Formalities officer
(Formalities including extension of time limits)

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Examiners' clerk
(other matters)

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

Registered letter

EPO Form 2001.1 07.88

N 30957.01

DUP050449540

28.03.90

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87 303 681.8

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

Description:

Pages 1, 3 to 7 as originally filed

Page 3 as filed with your letter of 21/12/89

Claims:

Nos. 1 to 8 as originally filed

Nos. 9 to 10 filed with your letter of 18/01/90

1.1) The Examining Division found that the clarity objections raised in §2 in the second Official letter are completely ignored.

1.2) Instead the Applicant has filed two additional claims defining the method of producing the coated TiO₂-particles (claims 9 and 10). However, the new claims meet the requirements of Article 123(2) EPC; hence, they are acknowledged by the Examining Division. The Applicant's attention is nevertheless drawn to Rule 86(3) EPC.

2) . The Examining Division maintains its objection under Article 84 EPC as brought forward in the second Official communication.



A second possibility to overcome the clarity objection is to be seen in the fact that the present claims 1 and 8 may be connected to the method-claim (present claim 9), e.g. "A pigment obtainable by the method of claim..." (corresponding to the present claim 1) and "A coating composition comprising a pigment obtainable by the method of claim ..." (corresponding to the present claim 8).

If such a solution is chosen, it must however be made sure that each claim is clear enough to define the subject matter for which a patent is being sought.

- 3) In the second Official letter the Examining Division stated that a patent may be granted if the objections raised were overcome (§3).

If the Applicant does not make a serious attempt to bring the application forward to grant, the Examining Division will be forced to reject the application under article 84 EPC.