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January 2, 2004

EINGEGANGEN
-3. März 2004

Mar. 2, 2004
REMINDER

RECEIVED
MAR - 8 2004

Dr. Manfred Groner
ISLER & PEDRAZZINI AG
Gotthardstrasse 53
Postfach 6940
CH - 8023 Zürich
Switzerland

RE: WEY et al - Appln. No. 10/171,483
FILE VALVE ASSEMBLY FOR A FLUSH TANK
Your Reference: P133548/MG/MS
Our Reference: WEY=1

Dear Dr. Groner:

In brief reply to your letter of December 16, 2003, it is now too late to file an IDS in the present application, as the issue fee has already been paid.

There are some rather extreme measures that can be taken, if you wish, but if you are confident that the new citations are not "material to patentability", there would be no need to do so.

One such measure would be to file a petition to withdraw the present application from issuance and at the same time file an RCE. There are clearly some substantial expenses involved, and there is also no certainty that the present application would be withdrawn in time before issuance of the patent.

Another option would be to wait until the patent issues and then file a Request for Reexamination on the basis of the new citations.

A third option would be to immediately file a Continuation Application with the same claims, and file the IDS in the Continuation Application. If the Examiner does not apply the new prior art against the claims, but only institutes a double-patenting rejection, then we will have evidence that such prior art is not "material to patentability". Of course, this option also involves substantial expenses.

Dear Mr. Neimark
Thank you for your valuable information. Please take no action.
March 8 2004 Best Regards