April 16, 1996

Re: - USSN

Your reference:
Our reference: _____

Dear :

Attached please find a FINAL rejection, Paper No. , mailed .

Our options in general are as follows:

(1) We are permitted after Final Action to file a response (argument and/or amendment) in order to attempt to convince the examiner to allow this case, or to place this application in better condition for appeal, but the examiner may choose to not enter any amendment which raises new issues requiring further consideration or search. Also, sometimes the examiner will require that reasons be given why the amendments are necessary and were not earlier presented.

Declarations and exhibits may also be submitted after final rejection. However, unless submitted for purposes of overcoming a new ground of rejection, the examiner may insist that a showing of good cause be made as to why such a declaration was not earlier presented. In this case you may wish to consider such a declaration to better establish the unobviousness of the claimed invention over the cited prior art.

(2) Filing a continuation application permits amendment of the claims as a matter of right, and also permits the applicant

to submit new declarations or exhibits in support of patentability. We do not recommend filing a continuation application without first filing an amendment after final rejection, because filing of such a continuation application without first filing a response (including amendment) to the final rejection may result in a first action final rejection in the continuation application. But again, as noted we do not have a recommendation on improving the claims.

(3) An appeal may be filed. In general, an appeal should be taken only when all the possible desirable amendments have been made and all the possible evidence has already been submitted, so usually it is best to file a response, namely option (1) above. This may be the situation in this case and an appeal may be in order.

(4) Before proceeding with any option, you may want to consider a telephone conference with the Examiner to determine whether there is a anything that might persuade him to allow the application.

We remind you that filing a response after final rejection will not stay the term and will not save the application from abandonment, unless such response results in allowance. Therefore, unless allowance is obtained or we file a Notice of Appeal or some kind of continuing application before the end of the full six-month statutory term (after which no further extensions are possible), the application will become abandoned.

The usual three-month shortened period for response has been set for this case, i.e. the last day of the term (unless extended upon petition and payment of increasingly expensive and retroactively payable appropriate late fee) for filing a response (or filing a Notice of Appeal or a continuation application) will

be . For procedural reasons, we recommend that a response be filed within only two months, if possible, namely by . In order to give sufficient time to prepare and file a response, we request that you let us have your instructions by

In view of the substantially increased cost of obtaining extensions of time, we recommend that all attempts be made to meet the deadline. Thank you.

We await hearing from you. Our debit note is attached.

Sincerely,

Norman J. Latker
Managing Attorney

NJL:edg
Enclosures