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Re: * - USSN 07/*
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Your Ref: *
Our Ref: *

Dear *:

Enclosed herewith is a copy of the Examiner's * Final Official Action on the above-identified application.

As you will note, *

It is important for you to recognize that under U.S. patent practice, an examiner can, at his discretion, preclude further prosecution of the claims after a final rejection. This permits an examiner to refuse any amendment of the claims intended to overcome cited prior art, which is generally what should be expected when such amendments are offered. However, amendments to overcome formal rejections under 35 U.S.C. § 112 are permissible.

Given the finality of the Examiner's action, we are left with the usual options:

1) File a response for purpose of putting the claims in better condition for appeal;

2) File a response <u>without</u> amending the claims to overcome the prior art but rebutting the prior art rejection;

3) Refile the application as a continuation with new claims (if necessary) to distinguish the invention from the cited prior art; or

4) Abandon the invention in the U.S.A.

In this case, we recommend pursuing option 2), as we believe the formal matters in the first paragraph of the Action can be easily resolved and because we believe the rejection on prior art is not justified.

A shortened statutory period for response has been set to expire in three months, i.e. the last day of the term will be *, unless the term is extended upon petition and payment of an appropriate late fee. As is usual in the case of final rejections, we recommend that if you wish to proceed, the response should be filed within only two months, namely by *. Since the Examiner is required to answer within ten days from a response, timely responses permit negotiating with the Examiner without incurring government extension fees. In order to enable us to have sufficient time to prepare and file a response, we would appreciate receiving your instructions by

*.

A debit memorandum for our services is also enclosed.

Sincerely

Norman J. Latker
Managing Attorney

NJL:hrh
Enclosure
finaloa.sam