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January 6, 1992

Dipl.-Ing. A. von Kirschbaum
Hermann-Ehlers-Strasse 21A
D-8034 Germering bei München
GERMANY

Re: SONNENDORFER - USSN 07/632,207
METHOD FOR SUPPLYING VARIOUS DEPARTMENTS OF LARGE SELF-SERVICE STORES WITH DEPARTMENT-SPECIFIC INFORMATION
Your Ref: Sy-1665-USA
Our Ref: SONNENDORFER=3

Gentlemen:

We are sorry to advise that we have now received a final rejection of the above-identified application, copy enclosed herewith.

As you will note, the rejection is very long and argumentative with no indication that we have made any progress. We strongly disagree with a number of points made by the Examiner. His rejection of claims 30-32 and 36 under 35 U.S.C. § 112 on the basis that features in these claims are not described in the specification, is clearly incorrect.

Further, his comment that certain features were not considered because they were not emphasized in the summary of the invention as lending patentability to the invention, seems equally incorrect or irrelevant. His rejection of the claims based on features selected from a number of patents with no showing of an incentive for their combination also seems dubious to us but is better assessed by you.

As you know, after a final rejection, we are permitted to file an amendment to put the case in better condition for allowance or appeal, but the Examiner will not enter the amendment if it raises new issues. Moreover, the amendment does not save the application from abandonment unless it results in allowance. See 35 U.S.C. § 116 and MPEP §§ 714.12, 714.13. The Examiner may insist that reasons be given why the amendments were necessary and were not earlier presented. 35 U.S.C. § 116(b). For procedural reasons, it is generally preferable to file such

an amendment a month earlier than the March 26, 1992 deadline, which would be

February 26, 1992.

March 26, 1992 is also the deadline for filing a notice of appeal or a continuation application, but is retroactively extendible for up to three months with the payment of extension fees at the time of response.

Filing a continuation application would allow us to amend the claims as a matter of right. An appeal should be taken only if you believe there is a fully developed claim set and a complete evidentiary record in support of patentability.

Given the Examiner's very harsh attitude and handling of this case, careful consideration should be given on how to proceed, if that is your client's wish. As noted above, if you determine to pursue an amendment to put the case in better condition for allowance or appeal, it should be filed a month earlier than the above noted deadline, or

February 26, 1992.

Thank you. We await hearing from you. A debit note for our services is also enclosed.

Sincerely,

Norman J. Latker

NJL:hrh
Enclosures
sonnen.ltr