BROWDY AND NEIMARK
ATTORNEYS AT LAW
PATENT AND TRADEMARK CAUSES
SUITE 300
419 SEVENTH STREET, N. W.
WASHINGTON, D. C. 20004
TELEPHONE (202)-628-5197

SHERIDAN NEIMARK
ROGER L. BROWDY
ANNE M. KORNBAU
NORMAN J. LATKER
OF COUNSEL
IVER P. COOPER
A. FRED STAROBIN
PATENT AGENT
G. KEVIN TOWNSEND

TELECOPIER FACSIMILE
(GROUPS I, II, & III)
(202) 737-3528
(202) 393-1012
TELEX 248633
SENIOR COUNSEL
ALVIN BROWDY
TECHNICAL ADVISER
ALLEN C. YUN, PH.D.

November 8, 1993

INTERNATIONALT PATENT-BUREAU
Hoje Taastrup Boulevard 23
DK 2630 Taastrup
DANMARK

Re: JOHANNESSEN - USSN 07/910,342
FLOOR DRAIN
Your reference: Bar/Aju/20813
Our reference: JOHANNESSEN-3

Dear Sirs:

Enclosed herewith is a copy of the Examiner's October 27, 1993 Final Official Action on the above identified application.

As you will note, we have made little, if any, progress with the Examiner.

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 and 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. Notwithstanding, you may still wish to offer such an amendment, to develop amended claims for a continuation application and the because there is some possibility they may be allowed. Further, 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 or refiling in a continuation application;

2) File a response without 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.

Because of the number of the prior art cited, we have not analyzed the rejecton. If you wish us to analyze the cited art please advise.

A shortened statutory period for response has been set to expire in three months, i.e. the last day of the term will be January 27, 1994, 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 December 27, 1993. 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

December 15, 1993.

A debit memorandum for our services in also enclosed.

Sincerely,

Norman J. Latker
Attorney Director

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Enclosures