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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/617,893	12/29/2006	Forwood C. Wiser	EDG-PT1248A	4974
3624	7590	08/10/2009	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			CHIESA, RICHARD L	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			08/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. The amendment filed on April 9, 2009 has been entered.

Drawings

2. The replacement drawings were received on June 3, 2009. These drawings are accepted by the examiner.

Election/Restrictions

3. Applicants' election without traverse of invention IV in the reply filed on April 9, 2009 is acknowledged.

Claim Rejections - 35 USC § 112

4. Claims 6-9, and 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More specifically, the claims are somewhat unclear due to the presence of the ambiguous expression "filter holding frame" at the end of the ninth line of claim 6. Perhaps, this phrase should be changed to --dielectric media support frame-- in order to maintain consistent terminology throughout the claims.

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Claim Rejections - 35 USC § 102/103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 6 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 3,073,094 to Landgraf et al. Landgraf et al (note Figures 1-3) show a filter media with first and second pads 72 of dielectric material, center screen 71, dielectric media support frame 62-66, and shelf 67 on the inner side of the frame for

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holding center screen 71 between the two pads of dielectric material (note col. 4, lines 38-75) as claimed (35 USC 102b). It would appear that Landgraf et al may not explicitly disclose in the Figures 1-3 embodiment that the pads and center screen have substantially the same shape and area. In any case, Landgraf et al also disclose in Figures 15-23 that the center screen and pads of dielectric material may all have substantially the same shape and area. Consequently, it is inherent or at least would have been readily obvious to one having ordinary skill in the art (35 USC 103a) in view of Landgraf et al's alternate embodiments that the center screen and two pads of dielectric material may have substantially the same shape and area.

Allowable Subject Matter

9. Claims 7-9, and 18-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. As allowable subject matter has been indicated, applicants' reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other filter media assemblies.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-1700.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa

August 6, 2009

**/Richard L. Chiesa/
Primary Examiner
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