

Applicant: Ola Nilson *et al.*
Application No.: 12/810,897

REMARKS

After the foregoing Amendment, Claims 1-9 and 12-25 are currently pending in this application. Claims 10-11 have been canceled without prejudice. Claims 1, 3-5 and 7 have been amended. New claims 14-25 have been added.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 4,5 and 9 contain allowable subject matter. Claims 4 and 5 have been re-written into independent form and are believed to be in condition for allowance. Claims 9 and 14-25 depend from those claims and, accordingly, are also believed to be in proper form for allowance as well.

Claim Rejections - 35 USC §112

Claims 3-5, 7 and 9 were rejected as indefinite. The amendment of claims addresses this issue. Withdrawal of the 35 USC §112 rejection is respectfully requested.

Claim Rejections - 35 USC §§102 and 103

Claims 1-3,6-8, 10 & 12-13 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gordon et al. U.S. Pub. 2005/0277780 (Gordon). Claim 11 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Jensen et al. U.S. Pub. 2008/0026929.

These rejections are respectfully traversed. Claims 1 as amended incorporates subject matter deriving from claims 10 and 11 In similar matter.

The Action asserts that claim 10 is obvious over Gordon based on Paragraph 44 and Table 2. Paragraph 44 merely states: "In at least one embodiment, the organometallic compounds are chosen from Table 2."

Table 2 (located at pages 8 to 10) fails to disclose lithium alkyls. In fact the Table does not disclose any lithium compounds at all. In the absence of even a single example of a lithium compound at the locations specified in Table 2 of Gordon, Gordon does not suggest the subject matter defined by the amended claims that are accordingly unobviousness over Gordon.

Claim 11 was rejected as being obvious over Gordon in view of Jensen et al. based upon paragraphs 161 and 162 of Jensen. Jensen paragraph 161 refers to "organometallic compounds" generally. As the person skilled in the art would know, this is a wide-ranging term encompassing a wide variety of compounds featuring organic groups bound to a metal. No mention is made in paragraph 161 of

bimetallic compounds, nor is there a specific teaching of Li Ti bimetallic compounds as required by claim 11. The only compounds mentioned at paragraph 161 are TDMAT, TMT, $\text{Ti}(\text{N}(\text{CH}_3)_2)_4$, TDEAT and TET. TDMAT is known to be tetrakis(dimethylamido)titanium and TDEAT is tetrakis(diethylamido)titanium. No definitions are given of any of the other acronyms, but by analogy with TDMAT and TDEAT it is apparent that these are also monometallic titanium compounds.

The Action asserts that paragraph 162 of Jensen discloses "lithium and titanium precursors". However, paragraph 162 of Jensen actually refers to a "metal containing precursor" where the metal may be selected from a list which includes titanium and, separately, lithium. Paragraph 162 does mention "a combination of the different precursors". Read in context, it is clear that to the extent that paragraph 162 might contemplate using titanium and lithium together, this is in the form of a combination of two different precursors, i.e. a mixture of a titanium precursor and a lithium precursor. This is not the same thing as a bimetallic precursor, i.e. a single precursor containing two metals. The entire disclosure of Jensen focuses on monometallic precursors and it is clear that paragraph 162 does not have any distinct, separate meaning.

Moreover, Jensen relates to an entirely different technical field to the presently claimed subject matter, and to Gordon. Gordon relates to atomic layer deposition of metal silicates or phosphates. In contrast, Jensen relates to the

manufacture of sub-micron particulates using supercritical solvents in a sol-gel-type process employing supercritical drying (see the Abstract and, for example, the section entitled Background of the Invention). The person skilled in the art would find no reason to combine elements of the sol-gel process of Jensen with the atomic layer deposition process of Gordon. Even if they were to do so, they would fail to arrive at the present invention as neither Gordon nor Jensen relates to bimetallic precursors of the type contemplated in the present application.

In view of the foregoing comments it is submitted that independent claim 1 is non-obvious over Gordon and/or Jensen, alone or in combination, and is otherwise allowable as are all remaining claims by virtue of their dependency from an allowable claim.

Based on the arguments presented above, withdrawal of the obviousness rejections is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1-9 and 12-25, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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