

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HORST WENZLER

Appeal No. 95-4644
Application 08/031,430¹

ON BRIEF

Before GARRIS, PAK and WARREN, Administrative Patent Judges.
PAK, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is taken from the examiner's refusal to allow claims 46 through 64. Claims 35 through 45 stand withdrawn from consideration as being drawn to a non-elected invention.

Claim 46 is representative of the subject matter on appeal and reads as follows:

¹ Application for patent filed March 17, 1993.

46. A remediation method for a gas containing high concentrations of more than 1,000 ppm ethylene oxide, said method comprising the steps of:

a) in the presence of water and a catalyst, simultaneously adsorbing and absorbing ethylene oxide as well as wet-catalytically converting ethylene oxide to ethylene glycol on a material that acts simultaneously as an absorbing medium, an adsorbing medium, and a catalyst carrier;

b) rinsing said material with water in the presence of the catalyst and thereby converting remaining and incompletely converted ethylene oxide of step a) to ethylene glycol; and

c) repeating steps a) and b) when needed.

The references relied on by the examiner are:

Kruse et al (Kruse)	4,828,810	May 9, 1989
Buonicore et al (Buonicore)	4,831,196	May 16, 1989

Process for Air Pollution Control, G. Nonhebel, Butterworth & Co. Ltd, (1972), pp 271-275 (hereinafter referred to as "Nonhebel").

The appealed claims stand rejected as follows:

(1) Claims 46, 47 and 58 through 64 under 35 U.S.C. § 103 as unpatentable over Buonicore and Kruse²; and

(2) Claims 48 through 57 under 35 U.S.C. § 103 as unpatentable over Buonicore, Kruse and Nonhebel.

² In the final office action dated February 17, 1994, the examiner rejected claims 46, 47 and 58 through 64 under 35 U.S.C. § 103 as unpatentable over Buonicore in view of Kruse. In the Answer, however, the examiner inadvertently referred to claim 46 as claim 47 by repeating "47" twice. For the purposes of this appeal, we will presume that claim 46 is still rejected under § 103.

OPINION

Our deliberations in this matter have included evaluation and review of the following materials: (1) the instant specification and all of the claims on appeal; (2) appellant's Brief and Reply Brief; (3) the examiner's Answer; and (4) the prior art references cited and relied on by the examiner.

Having carefully considered these materials, we find ourselves in agreement with the position succinctly set forth by appellant in the "argument" sections of the Brief and Reply Brief. We only add that none of the prior art references relied on by the examiner would have suggested employing a material that acts simultaneously as an absorbing medium, an adsorbing medium and a catalyst carrier, such as an activated carbon, together with water and a catalyst in an ethylene oxide conversion process. Nor would these references have suggested rinsing the material with water in the presence of a catalyst for the purpose of converting the ethylene oxide into ethylene glycol.

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For the foregoing reasons, the decision of the examiner
rejecting claims 46 through 64 is reversed.

REVERSED

BRADLEY R. GARRIS)	
Administrative Patent Judge)	
)	
)	
)	
)	
CHUNG K. PAK)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS
)	AND
)	INTERFERENCES
)	
)	
CHARLES F. WARREN)	
Administrative Patent Judge)	

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