

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(2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARLTON E. ASH
and JON F. GEIBEL

Appeal No. 1996-3724
Application 08/120,305

REHEARING

Before KIMLIN, JOHN D. SMITH, and GARRIS, Administrative
Patent Judges.

GARRIS, Administrative Patent Judge.

ON REQUEST FOR REHEARING

This is in response to a request, filed August 2, 1999,
for rehearing/reconsideration of our decision, mailed May 28,
1999, wherein we sustained the examiner's section 103
rejections of the appealed claims as being unpatentable over

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Senga alone or alternatively over the combined disclosures of Vidaurri and Scoggins or Nesheiwat or Senga.

On pages 1 and 2 of their request, the appellants reiterate their argument that Senga alone contains no teaching or suggestion of preparing poly(arylene sulfide) polymer via a polymerization with a waste material which comprises, for example, water in accordance with appealed independent claim 1. For the reasons expressed in the paragraph bridging pages 3 and 4 of our decision, however, we adhere to our conclusion of obviousness. As stated in this aforementioned paragraph, "it would have been obvious to 'recycle' Senga's recovered powdery PAS along with water in a wet rather than dry form because water is in the reaction medium to which the recycle stream is added (e.g., see lines 37 through 47 in column 4), thereby avoiding the expense of removing water from the recovered powdery PAS (and thereby satisfying, for example, step (d) of appealed independent claim 1)" (decision, page 4).

We likewise adhere to the conclusion of obviousness expressed in the May 28, 1999 decision concerning the rejection based upon Vidaurri and Scoggins or Nesheiwat or

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Senga. For example, even if the word "batch" as used by Vidaurri is interpreted in the manner urged on page 2 of the subject request, this interpretation would not militate against the rejection under consideration as plainly revealed in our discussion on page 6 of our decision. Similarly, the discussion on pages 6 and 7 of our decision plainly controverts the appellants' argument in this request that the secondary references would not have suggested modifying Vidaurri in such a manner as to yield the appealed claim 1 process.

In light of the foregoing, the appellants' request is granted only to the extent that our decision has been reheard/reconsidered but is denied with respect to making any changes therein.

DENIED

	Edward C. Kimlin)	
	Administrative Patent Judge)	
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)	
	John D. Smith)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND

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