

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID G. FOSTER

Appeal No. 1999-2526  
Application 08/795,885

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ON REQUEST FOR REHEARING

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Before, GARRIS, WALTZ and PAWLIKOWSKI, Administrative Patent Judges.

PAWLIKOWSKI, Administrative Patent Judge.

DECISION ON APPEAL

Pursuant to the provisions of 37 CFR § 1.197(b) (amended December 1, 1997), appellant have submitted a Request for Reconsideration (hereinafter, "Request")<sup>1</sup> of our decision dated March 21, 2002, affirming the rejection of claims 1 to 20 under 35 U.S.C. § 103 as unpatentable over Craver in view of Kuse (decision page 3).

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<sup>1</sup> A Request for Reconsideration is now denominated as a Request for Rehearing. See 37 CFR § 1.197(b) (amended effective December 1, 1997), by final rule notice, 62 Fed. Register 53, 131, 53, 197, (October 10, 1997), 1203 Official

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Appellants request states that the teaching of Craver teaches away from appellant's presently claimed invention. (Request, page 1). Appellant argues that the cumulative teaching of Craver to one of ordinary skill in the art is to avoid using the two polyphosphonic acids listed in Table IV in fixing solutions "as well as any other processing solution". Appellant also states that Craver discourages one of ordinary skill in the art "from using polyphosphonic acids for any reasons, let alone substituting them for the more common polyphosphonic acids in processing solutions . . . even if they appear to have some ability to complex with ferrous and ferric ions" (Request, page 2).

We disagree with appellant's interpretation of Craver as described above. Specifically, Craver does not indicate that the two polyphosphonic acids listed in Table IV should be avoided for use in a bleaching solution. Moreover, Craver does not teach to avoid using polyphosphonic acids for any reason, as alleged by appellant. We find no teaching in Craver to support appellant's aforementioned broad conclusionary statements.

Therefore, we do not find in the Request, any argument convincing us of error in the conclusions we reached in our decision.

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Accordingly, appellant's request is denied.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

DENIED

BRADLEY R. GARRIS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
THOMAS A. WALTZ	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
BEVERLY A. PAWLIKOWSKI	)	
Administrative Patent Judge	)	

vsh

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