

September 1, 1970

Dear Sirs:

Re: Final Rejection
Application No. 42,183
Filed February 6, 1969
Henry C. Geen & Warren A. Rice
RETICULATED POLYMERIC PRODUCT

I have reviewed the prosecution of this application in view of applicant's response of February 5, 1970 to the Final Action of November 7, 1969. That review has led me to the conclusion that the subject matter of claims 3, 5 and 7 should be allowed. The evidence supplied by the applicant, and in particular the affidavit of Henry C. Geen have satisfied me that heat-reticulated polyurethane foams where the cellular material is an iso-cyanate-derived polymeric cellular material are patentably different from similar foams where reticulation has been brought about by other means.

I note, however, that all of the evidence supplied is restricted to iso-cyanate derived polyurethanes, and am in no way satisfied that all heat reticulated polymeric material is patentably different from prior art reticulated polymeric material. While there is a broad reference in the disclosure to other polymers, the whole burden of the disclosure, of the examples, and in particular of the evidence and samples provided in the applicants arguments are directed to iso-cyanate derived polyurethanes. I must conclude that there is inadequate disclosure to warrant the allowance of claims 1, 2, 4 and 6.

Consequently I am referring the application back to the examiner for further prosecution, and am directing him to withdraw his objections to the subject matter of claims 3, 5 and 7.

Yours truly,

A.M. Laidlaw,
Commissioner.

Messrs. Alex. E. MacRae & Co.,
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