

COMMISSIONER'S DECISION

CLAIM REDUNDANCY-Rule 43: Product Uses of New Composition.

Claims for a new process and for the compositions produced by the process allowed. Claims for the articles composed of the new composition having alleged advantages over such articles previously made of known materials, refused on the grounds inter alia of redundancy (R. 43), ambiguity (S. 36), division (S. 38), and for being "exhausted" combinations; traversing applicants argument that such claims are necessary for adequate protection under R. 43, unvitiated by invalidation of the composition claims pursuant to proceedings permitted by S. 46, should the 'prima facie' novelty of the composition but not its presently disclosed utility be found to lack novelty.

FINAL ACTION: Affirmed.

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The Review by the Commissioner dated February 18, 1975 of the Final Action on patent application 131655 (class 402, subclass 318), filed January 4, 1972 for an invention entitled: "Hydrophilic Polymers, Articles and Methods of Making Same".

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This decision has not been reproduced as the Final Action and issues involved are substantially the same as the Commissioner's Decision number 228 on January 27, 1975 relating to the application 131656.

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