

**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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DOUGLAS G. HAMILTON

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Appeal No. 97-1609  
Application 08/425,310<sup>1</sup>

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ON BRIEF

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Before: McKELVEY, Senior Administrative Patent Judge, and  
SCHAFER and LEE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

Decision on appeal under 35 U.S.C. § 134

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<sup>1</sup> Application for patent filed April 17, 1995. The real party in interest is General Electric Company.

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Upon consideration of applicant's BRIEF ON APPEAL (Paper 18), the EXAMINER'S ANSWER (Paper 19) and the entire record, it is

FOUND, on this record, that a person having ordinary skill in the art would have believed that determination would have been unpredictable as to which inorganic phosphorus reagent might be suitable for use in the Jaquiss polyester-polycarbonate composition for the purpose of neutralizing residual catalyst remaining after the polyester and/or polycarbonate is made (see Jaquiss, col. 3, Table 1) and it is

FURTHER FOUND, on this record, that as recently as 1990 the prior art reveals that "[a]n extensive search [would have been necessary to find] \*\*\* a material useful for stabilizing \*\*\* [residual] catalyst" remaining in polysiloxane polymers (Beck, col. 3, line 60 to col. 4, line 1), and it is

STILL FURTHER FOUND, on this record, that the prior art, as a whole, does not provide a sufficient teaching, suggestion, reason or motivation to use any silylphosphate or mixture of silylphosphates described by Beck and/or Petersen for the purpose of neutralizing residual catalyst which may be present in a polyester-polycarbonate compositions,

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accordingly it is therefore

ORDERED that the examiner's rejection of claims 1-5, 7-20 and 22-24 as being unpatentable under 35 U.S.C. § 103(a) over Jaquiss in view of Beck and Petersen is reversed and it is

FURTHER ORDERED that the examiner's rejection of claims 1-5, 7-20 and 22-24 as being unpatentable under 35 U.S.C. § 103(a) over Jaquiss in view of Beck and Petersen taken further with Wooton is reversed.

**REVERSED.**

_____	)	
FRED E. McKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	
RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
_____	)	
JAMESON LEE	)	
Administrative Patent Judge	)	

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