

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ALBERT VAN DUIJN and JOHAN WILLEM KONIG

Appeal 2007-4126
Application 10/221,942
Technology Center 1600

Decided: January 09, 2008

Before ERIC GRIMES, NANCY J. LINCK, and JEFFREY N. FREDMAN,
Administrative Patent Judges.

FREDMAN, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to a method of determining a seed germination point by measuring oxygen concentration using a fluorescent dye, which the Examiner has rejected on grounds of obviousness. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

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We agree with the rejections and responses to Appellants' arguments that are set out in the Examiner's Answer, and therefore adopt the Examiner's reasoning as our own. The Examiner's rejections are affirmed.

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

AFFIRMED

PL/LT: dm

Norris, McLaughlin & Marcus, P.A.
875 Third Ave
18th Floor
New York, NY 10022