

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES W. GOMEZ and STEVEN R. AUSTIN

Appeal No. 95-3110
Application No. 08/183,058¹

ON BRIEF

Before JOHN D. SMITH, PAK and KRATZ, Administrative Patent Judges.

PAK, Administrative Patent Judge.

DECISION ON APPEAL

Gomez et al. (appellants) appeal from the examiner's final rejection of claims 1 through 9. Claims 15 through 21 and 28 through 34 are no longer the subject of this appeal since appellants withdrew the appeal of the rejection of

¹ Application for patent filed January 18, 1994.

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claims 15 through 21 and 28 through 34 subsequent to the examiner's Answer. See Reply Brief, page 2.

According to appellants (Brief, page 7), claims 2 through 9 will stand or fall with the patentability of claim 1.²

Therefore, for purposes of this appeal, we will focus on claim 1 which is reproduced below:

1. A polymeric film having an antistatic coating thereon, said coating comprising an oleophilic polymeric film forming binder in an organic solvent and at least one compound of the formula



wherein each R_f is independently a highly fluorinated alkyl group of 1 to 20 carbon atoms,
 R^3 is H or alkyl of 1 to 20 carbon atoms,
 m is 0 to 20, n is 0 to 20, m plus n is at least 2, and p is 1 to 8.

The sole reference relied upon by the examiner is:

Cavallo et al. (Cavallo)	4,975,363	Dec.
4, 1990		

Claims 1 through 9 stand rejected under 35 U.S.C. § 103 as unpatentable over the disclosure of Cavallo.

We affirm.

² Appellants also state that other claims which are no longer at issue, including canceled claims 10 through 14, stand or fall with the patentability of claim 1. See Brief, page 7.

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In rejecting claims 1 through 9 under 35 U.S.C. § 103, the examiner makes the following factual finding (Answer, page 4):

Cavallo et al disclose a polymeric film coated on one side with an antistatic coating. Cavallo et al's coated polymeric film comprises support film such as polyester, cellulose ester e.g., cellulose triacetate (column 1, lines 26-30) and antistatic coating composition comprising binder, solvent and antistatic compound. Cavallo et al's antistatic compounds includes appellants' antistatic compounds (column 4, line 12 to column 9, line 25) and binder such as gelatin.

This finding is not disputed. The only argument raised by appellants is that it would not have been obvious to employ an organic solvent as the solvent of the antistatic coating composition described in the Cavallo reference.

However, as correctly found by the examiner (Answer, page 5), the Cavallo reference states (column 13, lines 3-42):

The non-ionic surface active agents, the fluorinated organic salts, the matting agents and the surface modifying agents are used in amounts sufficient to provide an antistatic effect. A preferred amount of non-ionic surface active agents ranges from about 10 to about 1000 mg/m², a more

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preferred amount ranges from about 50 to about 200 mg/m². A preferred amount of fluorinated organic salts ranges from about 0.5 to about 1000 mg/m², a more preferred amount ranges from about 2.5 to about 500 mg/m². A preferred amount of matting agents ranges from about 5 to about 2000 mg/m², a more preferred amount ranges from about 50 to about 1000 mg/m². A preferred amount of surface modifying agents from about 5 to about 5000 mg/m², a more preferred amount ranges from about 50 to about 2000 mg/m². Of course, said ranges will vary depending upon the support base which is used, the photographic composition, the manufacturing process and the use of the photographic material. The non-ionic surface active agents and the fluorinated organic salts above can be introduced into the hydrophilic colloid composition, forming upon coating the photographic layers, in the form of solutions, as known to those skilled in the art. The solvents preferably used are water, alcohol and acetone or mixture thereof or any other solvent, provided that it causes no damage to the photographic emulsion. Matting agents and surface modifying agents can be introduced into the hydrophilic colloidal composition, forming upon coating the photographic layer, under the form of water dispersions containing them as small particles, as said before.

The photographic layers of the present invention comprise or essentially consist of hydrophilic colloidal binder. Such hydrophilic colloidal binder preferably is gelatin or any other film-forming binder permeable to the conventional processing baths for photographic materials alone or mixed with gelatin.

Given the above teachings, we agree with the examiner that the Cavallo reference would have rendered the use of an organic

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solvent, such as an alcohol or acetone, as the solvent of its antistatic composition obvious within the meaning of 35 U.S.C. § 103.

Accordingly, the decision of the examiner rejecting claims 1 through 9 under 35 U.S.C. § 103 is affirmed.

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

AFFIRMED

JOHN D. SMITH)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
CHUNG K. PAK)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
PETER F. KRATZ)	
Administrative Patent Judge)	

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Serial No. 08/183,058

Judge PAK

Judge JOHN D. SMITH

Judge KRATZ

Received: 2/23/99

Typed: 2/23/99

DECISION: AFFIRMED

Send Reference(s): Yes No
or Translation(s)

Panel Change: Yes No

3-Person Conf. Yes No

Remanded: Yes No

Brief or Heard

Group Art Unit: 1509

Index Sheet-2901 Rejection(s): _____

Acts 2: _____

Palm: _____

Mailed: Updated Monthly Disk (FOIA): _____

Updated Monthly Report: _____

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