

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): Haggquist  |                              |
| Application No.: 11/801,647  | Art Unit:<br>1797            |
| Filed: 05/09/2007  | Examiner:<br>Greene, Jason M |
| Title: Active Particle-Enhanced Membrane and<br>Method for Making and using the Same |                              |
| Attorney Docket No.: 6000.108.01US (TT-8)  |                              |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Dear Sir,

In response to the Office Action of July 7, 2010, please amend this application as follows:

A listing of the claims begins on page 2.

Remarks begin on page 10.

The following listing of claims replaces all prior versions and previously submitted listing of claims in this application:

1. (Original) A breathable membrane comprising:
  - a base material solution;
  - a plurality of active particles in contact with the base material solution, wherein the active particles are capable of improving the breathability of the base material solution;
  - at least one removable encapsulant in an amount effective to prevent at least a substantial portion of the active particles from being deactivated prior to removal of the removable encapsulant, and
  - wherein the removable encapsulant is removable to reactivate at least a portion of the active particles to improve the breathability of the membrane.
2. (Original) The membrane according to claim 1, wherein the base material exhibits water-proof properties when converted into a non-solution state, and the membrane is a water-proof breathable membrane.
3. (Original) The membrane according to claim 1, wherein the membrane possesses anti-static properties due at least in part to the active particles.
4. (Original) The membrane according to claim 1, wherein the membrane possesses stealth properties due at least in part to the active particles.

5. (Original) The membrane according to claim 1, wherein the membrane possesses odor adsorbance properties due at least in part to the active particles.
6. (Original) The membrane according to claim 1, wherein the membrane possesses quick drying properties due at least in part to the active particles.
7. (Original) The membrane according to claim 1, wherein the base material solution is selected from the group consisting of: a polyurethane solution, a polyacrylic solution, 1,3 propanediol terephthalate solutions, and any suitable combination thereof.
8. (Original) The membrane according to claim 1, wherein the active particles comprise activated carbon.
9. (Original) The membrane according to claim 1, wherein the active particles comprise zeolites.
10. (Original) The membrane according to claim 1, wherein the active particles are selected from the group consisting of: antibacterial, antiviral, antimicrobial, antifungal particles, and any suitable combination thereof.
11. (Original) The membrane according to claim 1, wherein the active particles are selected from the group consisting of: activated carbon, aluminum oxide (activated alumina), silica gel, soda ash, aluminum trihydrate, baking soda, p-methoxy-2-ethoxyethyl ester cinnamic acid

(cinoxate), zinc oxide, zeolites, titanium dioxide, molecular filter-type materials, and any suitable combination thereof.

12. (Currently amended) The membrane according to claim 1, wherein the at least one removable encapsulant is selected from the group consisting of: water-soluble surfactants, surfactants, salts (~~e.g., sodium chloride, calcium chloride~~), polymer salts, polyvinyl alcohols, ~~waxes (e.g., paraffin, carnauba)~~, photo-reactive materials, degradable materials, bio-degradable materials, ethoxylated acetylenic diols, starches, lubricants, glycols, corn starch, mineral spirits, organic solvents, paraffinic solvents, and any suitable combination thereof.

13. (Currently amended) The membrane according to claim 1, wherein the active particles comprise about 0% to about 75% of the total weight of the membrane.

14. (Currently amended) The membrane according to claim 1, wherein the active particles comprise about 30% to about 50% of the total weight of the membrane.

15. (Currently amended) The membrane according to claim 1, wherein the active particles comprise about 0% to about 30% of the total weight of the membrane.

16. (Currently amended) The membrane according to claim 1, wherein the active particles comprise about 0% to about 50% of the total weight of the membrane.

17. (Original) The membrane according to claim 1, wherein the membrane is a yarn or fabric.

18. (Original) The membrane according to claim 1, wherein the membrane is a plastic material.
19. (Original) The membrane according to claim 1, wherein the membrane is an article of clothing.
20. (Original) The membrane according to claim 1, wherein the membrane is a fabric.
21. (Original) The membrane according to claim 1, wherein the membrane is a coated fabric.
22. (Original) The membrane according to claim 1, wherein the membrane is coated on to ePTFE.
23. (Original) The membrane according to claim 1, wherein the membrane is a coated article of clothing.
24. (Original) 24. The membrane according to claim 1, wherein the membrane comprises a non-woven membrane.
25. (Original) The membrane according to claim 1, wherein the membrane is a laminate.
26. (Original) The membrane according to claim 1, wherein the membrane is selected from the group consisting of bags, foam, plastic components, upholstery, carpeting, rugs, mats, sheets, towels, rugs, pet beds, mattress pads, mattresses, curtains, filters, shoes, insoles, diapers, shirts, pants, blouses, undergarments, protective suits, and any suitable combination thereof.

27. (Original) The membrane according to claim 1, wherein the removable encapsulant is a first removable encapsulant, and the membrane further comprises a second removable encapsulant.

28. (Original) A composition comprising:  
a base material; and  
a plurality of active particles in contact with the base material, wherein the active particles improve the moisture vapor transport capacity of the composition.

29. (Currently amended) The composition of claim 28, wherein the active particles comprise about 0% to about 75% of the total weight of the composition.

30. (Currently amended) The composition of claim 28, wherein the active particles comprise about 30% to about 50% of the total weight of the composition.

31. (Currently amended) The composition of claim 28, wherein the active particles comprise about 0% to about 30% of the total weight of the composition.

32. (Currently amended) The composition of claim 28, wherein the active particles comprise about 25% to about 75% of the total weight of the composition.

33. (Currently amended) The composition of claim 28, wherein the active particles comprise about 0% to about 50% of the total weight of the composition.

34. (Original) The composition of claim 28, wherein the base material exhibits water-proof properties when converted into a non-solution state.
35. (Original) The composition of claim 28, wherein the composition possesses anti-static properties at least in part due to the active particles.
36. (Original) The composition of claim 28, wherein the composition possesses stealth properties at least in part due to the active particles.
37. (Original) The composition of claim 28, wherein the composition possesses odor adsorbance properties at least in part due to the active particles.
38. (Original) The composition of claim 28, wherein the composition possesses quick drying properties at least in part due to the active particles.
39. (Original) The composition of claim 28, wherein the active particles are selected from the group consisting of: activated carbon, aluminum oxide (activated alumina), silica gel, soda ash, aluminum trihydrate, baking soda, p-methoxy-2-ethoxyethyl ester cinnamic acid (cinoxate), zinc oxide, zeolites, titanium dioxide, molecular filter-type materials, and any suitable combination thereof.
40. (Original) The composition of claim 28 further comprising: at least one removable encapsulant in an amount effective to prevent at least a substantial portion of the active particles from being deactivated prior to removal of the removable encapsulant, and wherein the removable encapsulant is removable to reactivate at least a portion of the active particles to improve the moisture vapor transport capacity of the composition.

41. (Currently amended) The composition of claim 40, wherein the at least one removable encapsulant is selected from the group consisting of: water-soluble surfactants, surfactants, salts (~~e.g., sodium chloride, calcium chloride~~), polymer salts, polyvinyl alcohols, waxes (~~e.g., paraffin, carnauba~~), photo-reactive materials, degradable materials, bio-degradable materials, ethoxylated acetylenic diols, starches, lubricants, glycols, corn starch, mineral spirits, organic solvents, paraffinic solvents, and any suitable combination thereof.

42. – 62. (Withdrawn)

63. (Original) A composition comprising:

a base material; and

a plurality of active particles in contact with the base material, wherein the active particles improve the anti-static properties of the composition.

64. (Original) The composition of claim 63, wherein the active particles comprise activated carbon.

65. (Original) The composition of claim 63, wherein the active particles comprise zeolites.

66. (Currently amended) The composition of claim 63, wherein the active particles comprise about 30% to about 50% of the total weight of the composition.



67. (Currently amended) The composition of claim 63, wherein the active particles comprise about 0% to about 30% of the total weight of the composition.

68. (Original) A composition comprising:

a base material; and

a plurality of active particles in contact with the base material, wherein the active particles improve the stealth properties of the composition.

69. (Original) The composition of claim 68, wherein the active particles comprise activated carbon.

70. (Original) The composition of claim 68, wherein the active particles comprise zeolites.

71. (Currently amended) The composition of claim 68, wherein the active particles comprise about 30% to about 50% of the total weight of the composition.

72. (Currently amended) The composition of claim 68, wherein the active particles comprise about 0% to about 30% of the total weight of the composition.

### REMARKS

Reconsideration and further examination is respectfully requested. Claims 1-41 and 63-73 are currently pending in the application. Claims 42-62 were previously withdrawn. Claims 13-16, 29-33, 66, 67, 71, and 72 have been amended to more particularly point out the scope of the claim. All amendments are made without prejudice to pursue additional claims in a subsequent application.

#### Claim rejections under 35 USC § 112

The Examiner has rejected claims 13-16, 29-33, 66, 67, 71, and 72 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Through Applicant is under the impression that previously submitted claims 13-16, 29-33, 66, 67, 71, and 72 were in a condition for allowance, in order to further prosecution, Applicant has amended each claim to specify the active particles comprise a weight percentage of the total weight of the article specified in each claim. As such, Applicant submits that the 35 USC § 112 rejection of each of these claims have been overcome and therefore, the 35 USC § 112 rejection of claims 13-16, 29-33, 66, 67, 71, and 72 should be removed.

The Examiner has further rejected claims 12 and 41 under 35 USC § 112 as being indefinite because it is unclear whether the limitation(s) following the phrase “e.g.” are part of the claimed invention. In response thereto, Applicant has removed the phrase “e.g.” and the statements following the phrase. Applicant hereby submits that the 35 USC § 112 rejection of each of these claims have been overcome and therefore, the 35 USC § 112 rejection of claims 12 and 41 should be removed.

Claim rejections under 35 USC § 102

The Examiner has rejected Claims 1-7, 9-13, 15-21, 23-26, 28, 29, 31, 33-41, 63, 65, 67, 68, 70 and 72 under 35 USC 102(b) as being anticipated by Trogolo et al. (US Pat. App. No. 20030118664A1). Applicant submits that Claims 1-7, 9-13, 15-21, 23-26, 28, 29, 31, 33-41, 63, 65, 67, 68, 70 and 72 are not anticipated by Trogolo because Trogolo fails to disclose each and every element of Claims 1-7, 9-13, 15-21, 23-26, 28, 29, 31, 33-41, 63, 65, 67, 68, 70 and 72.

Specifically, there is absolutely no description in Trogolo that any material used in Trogolo is breathable, let alone that the active particles are capable of improving the breathability of a base material solution, as stated in claim 1 of the present invention. Furthermore, Trogolo fails to even mention the word membrane, let alone that a membrane is comprised of the breathable base material, as disclosed in claim 1. For example, Trogolo only describes a non-hydrophilic polymer matrix. Furthermore, while paragraph 0068 provides a list of polymers that may comprise the polymer matrix, Applicant submits that without further evidence, a simple list of materials is insufficient to show that one material, or combinations of materials, may exhibit a specific a breathable quality. Contrastingly, page 7, lines 1-18 provide a description of possible base material solutions that may create a breathable membrane in accordance with the invention described herein. The Examiner has not provided any evidence that Trogolo describes a breathable membrane, and that the active particles are capable of improving the breathability of the membrane, as set forth in the pending claims. The rejection under Section 102 for these claims fails as a matter of law and these claims are therefore allowable. Furthermore, since claims 2-27 are dependent upon claim 1, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(b) rejection of each of these claims.

Additionally, with respect to claim 2, Trogolo fails to describe that any material that is a waterproof material, let alone that a base material exhibits water-proof properties when converted into a non-solution state and that the membrane is a water-proof breathable membrane. As is well known in the art, and as described on page 7, lines 1-24, and the references cited therein, a waterproof breathable membrane comprises a material adapted to allow the transmission of moisture vapor through the membrane, but resists liquid water to pass through the material. Trogolo fails to disclose such a material.

With respect to claim 3, neither paragraph 0039, nor any other paragraph of Trogolo discloses a membrane possessing anti-static properties due at least in part to the active particles. Paragraph 0053 of the present invention provides the necessary support for claim 3. Without the Examiner providing where Trogolo discloses anti-static properties disclosed in claim 3, Applicant submits Claim 3 is in a condition for allowance.

Similarly, Trogolo fails to disclose that a membrane that possesses stealth properties due at least in part to the active particles. As seen in paragraph 0054 of the present invention, the active particles may help produce membranes having stealth properties. However, Trogolo fails to mention or even allude to membranes having stealth properties. As such, Trogolo does not anticipate claim 4 and claim 4 is therefore in a condition for allowance.

Likewise, Trogolo fails to disclose the limitations of claims 5 and 6 that the membrane possesses odor adsorbance and quick drying properties due at least in part to the active particles. Like claims 2-4, Trogolo fails to even mention a member that may comprise odor adsorbance and quick drying properties. Therefore, claims 5 and 6 are in a condition for allowance.

Furthermore, Trogolo, fails to disclose that a base material solution may consist of any suitable combination of a polyacrylic solution and 1,3 propanediaol terephthalate solutions. Therefore, claim 7 is in a condition for allowance.

Claim 23 is in a condition for allowance because Trogolo fails to disclose that a membrane may be a coated article of clothing. In Paragraph 0069 cited by the Examiner, which provides a list of exemplary applications, no articles of clothing are given. Therefore, claim 23 is in a condition for allowance.

Claim 25 is in a condition for allowance because Trogolo fails to disclose that a membrane may comprise a laminate. Applicant submits without further proof, the polymer coating disclosed in claim 0069 is not a laminate, as a laminate is two or more layers of material united together. Therefore, claim 23 is in a condition for allowance.

With respect to claim 28, Applicant submits that Trogolo fails to disclose that active particles improve the moisture vapor transport of a composition comprising the active particles and a base material. As is well known in the art, and as described in paragraph 0030, moisture vapor transport comprises the “breathability” of a composition. Trogolo fails to even mention the word breathability, let alone describes a composition where active particles improve the breathability of the composition. As described in paragraphs 0029 and 0032, Trogolo describes a “non-hydrophillic polymer matrix” and an “antimicrobial agent encapsulated with a hydrophilic polymer.” The word “breathable” is neither disclosed, nor even alluded to. As stated in paragraph 0032, the term hydrophilic is defined as “water *adsorbing*, water vapor *adsorbing* and *wettable*.” (italics added). Therefore, the polymer matrix is non-wettable, and does not allow the retention of water, while the encapsulant is wettable and retains water. However, there is absolutely no disclosure in Trogolo that any substance is a composition that allows the *transport*

*of water vapor*, let alone that the active particles actually improve the water vapor transport of the composition. Therefore, Claim 28 is in a condition for allowance. Furthermore, since claims 29-41 are dependent upon claim 28, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(e) rejection of each of these claims.

With respect to claim 34, Applicant hereby incorporates the arguments made above with respect to claim 2. Therefore, since Trogolo fails to disclose that a base material may exhibit water-proof properties when converted into a non-solution state, claim 34 is in a condition for allowance.

With respect to claim 35, Applicant hereby incorporates the arguments made above with respect to claim 3. Therefore, since Trogolo fails to disclose a composition possessing anti-static properties at least in part due to active particles, Applicant submits that claim 35 is in a condition for allowance.

With respect to claim 36, Applicant hereby incorporates the arguments made above with respect to claim 4. Therefore, since Trogolo fails to disclose a composition possessing stealth properties at least in part due to active particles, Applicant submits that claim 36 is in a condition for allowance.

With respect to claims 37 and 38, Applicant hereby incorporates the arguments made above with respect to claims 5 and 6, respectively. Therefore, since Trogolo fails to disclose a composition possessing either odor adsorbance properties or quick drying properties at least due in part due to active particles, Applicant submits that claims 37 and 38 are in a condition for allowance.

With respect to claim 63, Applicant hereby incorporates the arguments made above with respect to claim 3. Therefore, since Trogolo fails to disclose a composition possessing anti-static properties at least in part due to active particles, Applicant submits that claim 63 is in a condition for allowance. Furthermore, since claims 64-67 are dependent upon claim 63, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(b) rejection of each of these claims.

With respect to claim 68, Applicant hereby incorporates the arguments made above with respect to claim 4. Therefore, since Trogolo fails to disclose a composition possessing stealth properties at least in part due to active particles, Applicant submits that claim 68 is in a condition for allowance. Furthermore, since claims 69-72 are dependent upon claim 68, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(b) rejection of each of these claims.

The Examiner has rejected Claims 1-8, 10, 18, 24, 28, 34-40, 63, 64, 68, and 69 under 35 USC 102(e) as being anticipated by U.S. Pat. App. Pub. No. 2006/0068124 (hereinafter, Williams). With respect to claim 1, Applicant submits that Williams fails to disclose that the activated carbon particles improve the breathability of a base material solution. The membrane in Williams only comprises an *adsorptive* membrane. Applicant submits that the term adsorptive membrane comprises a membrane which is adapted to retain a substance. Contrastingly, claim 1 states that the active particles improve the *breathability* of the membrane. As is well-known in the art, and as stated in paragraph 0030, improving the breathability of the membrane improves the capacity of the membrane to transport moisture vapor. Since the transmission of moisture vapor through the membrane is the not the retention of a substance, as disclosed in Williams, claim 1 is in a condition for allowance. Therefore, Applicant respectfully requests removal of the

102(e) rejection of claim 1. Furthermore, since claims 2-27 are dependent upon claim 1, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(e) rejection of each of these claims.

Applicant further submits that claim 2 is in a condition for allowance because Williams fails to disclose the claim 2 limitation that the membrane is a water-proof breathable membrane. As such, Williams can not anticipate Claim 2 and Applicant respectfully requests removal of the 102(e) rejection of claim 2.

Applicant further submits that claim 3 is in a condition for allowance because Williams fails to disclose the claim 3 limitation that the membrane possesses anti-static properties due at least in part to the active particles. As such, Williams can not anticipate Claim 3 and Applicant respectfully requests removal of the 102(e) rejection of claim 3.

Applicant further submits that claim 4 is in a condition for allowance because Williams fails to disclose the claim 4 limitation that the membrane possesses stealth properties due at least in part to the active particles. As such, Williams can not anticipate Claim 4 and Applicant respectfully requests removal of the 102(e) rejection of claim 4.

Applicant further submits that claim 5 is in a condition for allowance because Williams fails to disclose the claim 5 limitation that the membrane possesses odor adsorbance properties due at least in part to the active particles. As such, Williams can not anticipate Claim 5 and Applicant respectfully requests removal of the 102(e) rejection of claim 5.

Applicant further submits that claim 6 is in a condition for allowance because Williams fails to disclose the claim 6 limitation that the membrane possesses quick drying properties due at least in part to the active particles. As such, Williams can not anticipate Claim 6 and Applicant respectfully requests removal of the 102(e) rejection of claim 6.



Applicant further submits that claim 7 is in a condition for allowance because Williams fails to disclose that a base material solution may consist of any suitable combination of a polyacrylic solution and 1,3 propanediaol terephthalate solutions. As such, Williams can not anticipate Claim 7 and Applicant respectfully requests removal of the 102(e) rejection of claim 7.

With respect to claim 28, Applicant submits that Williams fails to disclose active particles improve the moisture vapor transport of a composition comprising the active particles and a base material. As is well known in the art, and as described in paragraph 0030, moisture vapor transport comprises the “breathability” of a composition. Williams fails to even mention the word breathability, let alone describes a composition where active particles improve the breathability of the composition. All that is described in Williams is, as described in paragraph 0002, “a highly adsorptive membrane”. Nowhere does Williams disclose that the membrane is also breathable in addition to being adsorptive. There is absolutely no disclosure in Trogolo that any substance is a composition that allows the *transport of water vapor*, let alone that the active particles actually improve the water vapor transport of the composition. As such, Williams can not anticipate Claim 28 and Applicant respectfully requests removal of the 102(e) rejection of claim 28. Since claims 29-41 are dependent upon claim 28, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(e) rejection of each of these claims.

Furthermore, with respect to claim 34, Applicant submits that Williams fails to disclose that a base material exhibits water-proof properties. In fact, Williams fails to even allude to any water-proof properties of any aspect of the membrane, let alone the base material. Since Williams fails to disclose the claim 34 limitation that base material exhibits water-proof properties, claim 34 is in a condition for allowance.

With respect to claims 35 and 63, Applicant hereby incorporates the arguments made above with respect to claim 3. Therefore, since Williams fails to disclose a composition possessing anti-static properties at least in part due to active particles, Applicant submits that claims 35 and 68 are in a condition for allowance.

With respect to claim 36 and 68, Applicant hereby incorporates the arguments made above with respect to claim 4. Therefore, since Williams fails to disclose a composition possessing stealth properties at least in part due to active particles, Applicant submits that claims 36 and 68 are in a condition for allowance.

With respect to claims 37 and 38, Applicant hereby incorporates the arguments made above with respect to claims 5 and 6, respectively. Therefore, since Williams fails to disclose a composition possessing either odor adsorbance properties or quick drying properties at least due in part due to active particles, Applicant submits that claims 37 and 38 are in a condition for allowance.

The Examiner has rejected Claims 1-13, 15-29, 31, 33-41, 63-65, 67-70, and 72 under 35 USC 102(b) as being anticipated by U.S. Pat. App. Pub. No. 2004/0018359 (Hereinafter, Haggquist). With respect to claim 1, Applicant submits that Haggquist fails to disclose the claim 1 limitation that activated carbon particles improve the breathability of a membrane comprising a base material solution. Though Haggquist discloses an encapsulated active particle, there is no disclosure in Haggquist of using an encapsulated active particle in a breathable membrane to improve the breathability of the membrane. Therefore, Applicant respectfully requests removal of the 102(e) rejection of claim 1. Since claims 2-27 are dependent upon claim 1, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(b) rejection of each of these claims.

Applicant further submits that claim 2 is in a condition for allowance because Haggquist fails to disclose the claim 2 limitation of a membrane comprising a water-proof breathable membrane. As such, Haggquist can not anticipate Claim 2 and Applicant respectfully requests removal of the 102(e) rejection of claim 2.

Applicant further submits that claim 3 is in a condition for allowance because Haggquist fails to disclose the claim 3 limitation that a membrane possesses anti-static properties due at least in part to the active particles. As such, Haggquist can not anticipate Claim 3 and Applicant respectfully requests removal of the 102(e) rejection of claim 3.

Applicant further submits that claim 4 is in a condition for allowance because Haggquist fails to disclose the claim 4 limitation that the membrane possesses stealth properties due at least in part to the active particles. As such, Haggquist can not anticipate Claim 4 and Applicant respectfully requests removal of the 102(e) rejection of claim 4.

With respect to claim 28, Applicant submits that Haggquist fails to disclose active particles improve the moisture vapor transport of a composition comprising the active particles and a base material. As is well known in the art, and as described in paragraph 0030, moisture vapor transport comprises the “breathability” of a composition. Haggquist fails to even mention the word breathability, let alone describes a composition where active particles improve the breathability of the composition. What is described in Haggquist is an encapsulated active particle. However, nowhere does Haggquist disclose a breathable membrane. There is absolutely no disclosure in Haggquist that any substance is a composition that allows the *transport of water vapor*, let alone that the active particles actually improve the water vapor transport of the composition. As such, Haggquist can not anticipate Claim 28 and Applicant respectfully requests removal of the 102(b) rejection of claim 28. Since claims 29-41 are

dependent upon claim 28, Applicant submits that each of these claims are likewise in a condition for allowance and respectfully requests removal of the 102(b) rejection of each of these claims.

Furthermore, with respect to claim 34, Applicant submits that Haggquist fails to disclose that a base material exhibits water-proof properties. In fact Haggquist fails to even allude to any water-proof properties of any aspect of the membrane, let alone the base material. Since Haggquist fails to disclose the claim 34 limitation that base material exhibits water-proof properties, claim 34 is in a condition for allowance.

With respect to claims 35 and 63, Applicant hereby incorporates the arguments made above with respect to claim 3. Therefore, since Haggquist fails to disclose a composition possessing anti-static properties at least in part due to active particles, Applicant submits that claims 35 and 63 are in a condition for allowance.

With respect to claims 36 and 68, Applicant hereby incorporates the arguments made above with respect to claim 4. Therefore, since Haggquist fails to disclose a composition possessing stealth properties at least in part due to active particles, Applicant submits that claim 36 and 68 are in a condition for allowance.

#### Claim rejections under 35 USC § 103

Claims 14, 30, 32, 66, and 71 have been rejected under 35 USC § 103(a) as being unpatentable over Trogolo or Haggquist. Specifically, the Examiner states that though neither reference explicitly teaches an active particle loading of 25-75wt% or 30-50wt%, one of ordinary skill in the art would have recognized that the loading could have been increased to provide an enhanced effect.

In response thereto, Applicant incorporates the arguments made above with respect to claims 1, 28, 63, and 68, respectively, and submits that since claims 14 is dependent on claim 1,

claims 30 and 32 are dependent on claim 28, claim 66 is dependent on claim 63 and claim 71 is dependent on claim 68, each of these claims is in a condition for allowance. Applicant respectfully requests removal of the 103(a) rejection of these claims.

Applicants have made a diligent effort to place the claims in condition for allowance. Furthermore, failure of Applicants to respond to any specific rejection by the Examiner does not comprise an implicit acceptance of the Examiner's rejection. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Shane Percival, Applicants' Attorney at 720-536-4900 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

December 10, 2010

/Shane Percival/

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Date

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