

12-21-1971

# Letter from Max Wymore Re: Patent Application No. 876,156

Max Wymore

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LAW OFFICES OF  
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TELEPHONE  
AREA CODE 303  
292-9292

December 21, 1971

Mr. Duane D. Pearsall  
Statitrol Corporation  
140 South Union Boulevard  
Lakewood, Colorado 80228

Re: U.S. Patent Application Serial No. 876,156  
for "CIRCUIT FOR DETECTION OF SMALL  
CHANGES IN CONDUCTORS OF HIGH  
RESISTANCE" - Lyman L. Blackwell -  
Assigned to Statitrol Corporation

Dear Mr. Pearsall:

Pursuant to your letter of September 14, 1971, we did not proceed with the filing of an appeal brief in the subject application.

On October 27th I forwarded an amendment under Rule 116, copy enclosed, amending claim 7 to more clearly define the positive feedback means which as so amended, was indicated by the Examiner in the Final Rejection of January 15, 1971, might be found allowable. Claim 10 was also amended as suggested by the Examiner to be obviated of structural deficiencies, also indicated by the Examiner in the January 15th Office action, it might be found allowable whereupon claim 11 would also be allowable. An attempt was also made to introduce claim 13 which defined the present invention in terms of the language of the Johnson Service Company patent.

We are now in receipt of the communication dated December 14, 1971, in which the Examiner has resumed prosecution of the application on its merits and has refused entry of the proposed amendment on the basis that the proposed amendments to the claims raise new issues. We can only assume that the Examiner's objections are directed to the proposed newly added claim 13. I would propose that we re-submit this amendment without the addition of claim 13

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in order to determine whether or not this is, in fact, the Examiner's objection or whether he is reneging on his previous statement that claims 7, 10, and 11 would be allowed if amended in accordance with his suggestion. If the Examiner refuses entry of the amendment or continues his Final Rejection, our alternatives will be to either take an appeal or to file another continuation and attempt to introduce a claim of the scope of claim 13 for examination.

It would appear from the Examiner's remarks in his Final Rejection that we should be entitled to at least claims of the scope of claim 7 and claim 10 amended in accordance with the Examiner's suggestions; however, my personal contact with the Examiner finds him somewhat unreasonable and the action that he has taken here does not really surprise me.

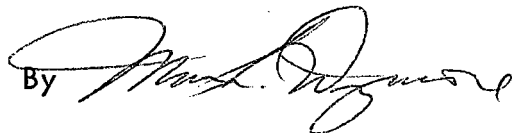
Duane, the last time we talked, you indicated that you were planning to send me one of the smokegard units for personal observation and comment. As yet, this has not been received and I thought I would mention it. We send our best wishes to all for the holidays!

*filed*  
*12/29/71*

The enclosed amendment dated December 14, 1971, will require response no later than February 14, 1972, however, I would suggest that we respond as early as possible so that we might have an answer from the Examiner before February 14th, prior to which we will have to make a decision as to whether or not we would take an appeal in this case. If the course of action as suggested above meets with your approval, kindly advise and we will proceed immediately.

Very truly yours,

ANDERSON, SPANGLER & WYMORE

By 

MLW:sg  
Enclosure

cc: Mr. Lyman L. Blackwell

*Smoke Gard*