

Part 1

Double Patenting

Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 11/405,066 in view of Smith et al. (U.S. Patent No. 4,321,011).

The Examiner asserts that although the conflicting claims are not identical, they are not patentably distinct from one another because all of the limitations of the claims in the instant application are met with respect to claims 1-10 of the co-pending application except for the specific sterilizing solution characteristics. The Examiner concludes that it would have been obvious to modify the solution of '066 to include a solution comprised predominantly of hydrogen sulfide, citric acid and water with a pH of the aqueous solution between 12-16, and a ratio of the concentration of hydrogen sulfide/the concentration of citric acid is 25.6 or less in order to shorten the contact time needed to sterilize an object as exemplified by Smith.

A Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) or §1.321 (d) may be used to overcome a rejection based on a nonstatutory double patenting ground if the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

We can easily prepare such a Terminal Disclaimer upon your request. However, we generally recommend not addressing such rejections until the claims are otherwise in condition for allowance.

Part 2

OFFICE ACTION

Applicant's preliminary amendment received July 29, 2010, including amendments to the specification and to the drawings is acknowledged.

35 U.S. C. 112, First and Second Paragraph Rejection

The claim is rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite and nonenabling because the exact appearance, configuration and spatial relationship of elements (a) shown in FIGS. 3, element (b) in FIG. 16, element (c) in FIG. 17, element (d) in FIG. 29 and element (e) in FIG. 8 cannot be understood. Specifically, due to the nature of 2-dimensional illustration technique therein, and due to the absence of additional perspective view(s), the exact appearance, configuration and spatial relationship of elements (a), (b), (c), (d), and (e) are left to conjecture. It is noted that, cross-sectional drawing views FIGS. 29 and 30 only can contribute some clarification of upper elements that shown in the perspective view, and do not contribute any clarification or better understanding of deep inside and in lower depth elements (as indicated by the Examiner, below). Applicant is advised that sectional views presented solely for the purpose of showing the internal construction or functional or mechanical features, sometimes are unnecessary and may lead to confusion as to the scope of the claimed design. *Ex parte Fuller*, 1901 C.D. 140, 97 O.G. 1185 (Comm'r Pat. 1901); *Ex parte Mahler*, 1905 C.D. 192, 116 O.G. 1185 (Comm'r Pat. 1905).