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August 31, 1962

Dr. H. B. Parmele, Vice President
P. Lorillard Company
200 East 42nd Street
New York 17, New York

Re: Spears et al. Appln. Ser. No. 188,281
filed April 16, 1962 for "Tobacco
Filter" (Our File 17456)

Dear Dr. Parmele:

Thank you for your letter of August 9, 1962
forwarding a copy of Dr. Spears' letter dated August 8.

In discussing the Walles et al. patent, Dr. Spears
indicates that there are a number of differences in the
reactions of complexing agents and the nature of the material
to be complexed which make it unobvious to apply the N-vinyl-5
methyl-oxazolidinone polymers to tobacco smoke filters. We
would appreciate it if Dr. Spears would provide us with further
comments, particularly pointing out the differences to which
he refers in complexing resins and the materials to be com-
plexed as related to the application of the N-vinyl-5 methyl-
oxazolidinone polymers to tobacco smoke filtration and the dis-
closures of Walles et al.

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Dr. Spears further indicates that the polyether class of complexing agents, i.e., polymeric products having a repeated oxyalkylene unit, are of particular importance. To distinguish from the Hamon Patent he suggests deleting reference in the specification to Polyox WSR-301, which we understand is a water soluble polyethylene oxide of molecular weight of approximately 1,000,000. The claims are then to be restricted to water insoluble, hydrophobic polyethers, preferably polyethers soluble in glyceryl triacetate, having a maximum concentration of about 1%.

We have reviewed the application again, and are of the opinion that these changes, even if permissible, would be of doubtful benefit. The application does not make any distinction between the hydrophilic and hydrophobic polyethers or show that solubility in glyceryl triacetate is a distinguishing characteristic of a satisfactory polyether. To the contrary, the application appears to suggest the equivalency of all of the polyethers disclosed in the application.

For that reason the Patent Office might hold that the hydrophobic polyethers defined as suggested by Dr. Spears are not patentably distinct from the hydrophilic polyether disclosed by Hamon.

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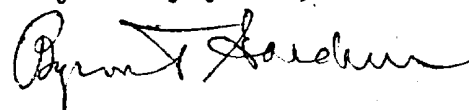
Dr. H. B. Parmele

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If the distinctions proposed by Dr. Spears, that the hydrophobic polymers particularly those soluble in glyceryl triacetate are superior to hydrophilic polymers, it may be advisable to refile the application as a continuation-in-part to limit it to the preferred compounds and to include supporting evidence of the superior results obtained with the hydrophobic polyethers.

We will be glad to discuss the application with Dr. Spears at any suitable time.

Very truly yours,



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