

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN J. KILBANE II

Appeal No. 96-3687
Application 08/008,212¹

ON BRIEF

Before RONALD H. SMITH, CAROFF and METZ, Administrative Patent Judges.

RONALD H. SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 9-17, all the pending claims in the application.

¹ Application for patent filed January 25, 1993.

Appeal No. 96-3687
Application 08/008,212

The subject matter relates to a method for the selective adsorption of PCBs. Claim 9, the only independent claim, is illustrative of the appealed claims and reads as follows:

9. A method for selective adsorption of PCBs comprising the steps of:

mixing at least one proteinaceous material with a molar excess of at least one PCB congener mixture forming a protein/PCB congener mixture;

drying said protein/PCB congener mixture;

extracting each of said PCB congeners from said dried protein/PCB congener mixture forming a biosorbent in the form of an imprinted protein; and

contacting a PCB-containing environment with said imprinted protein resulting in selective adsorption of said PCBs.

Appellant acknowledges in his brief that claims 9-17 stand or fall together. Accordingly, we will limit our consideration to independent claim 9.

The references relied on by the examiner are:

Mosbach	5,110,833	May 5, 1992
Mattingly et al. (Mattingly)	5,145,790	Sep. 8, 1992

Dabulis et al. (Dabulis), "Molecular Imprinting of Proteins and Other Macromolecules Resulting in New Adsorbents," Biotechnology and Bioengineering, John Wiley & Sons, Inc., Vol. 39, pages 176-185 (1992).

Claims 9-17 stand rejected under 35 U.S.C. § 103 as unpatentable over Mosbach or Dabulis in view of Mattingly. We will not sustain these rejections. We agree with the appellant

Appeal No. 96-3687
Application 08/008,212

that the references do not teach or suggest molecular imprinting of PCB congeners into a proteinaceous material and the use of the imprinted material to adsorb PCB congeners. Since we are in substantial agreement with appellant's position as set forth in his brief, we adopt that position as our own.

The decision of the examiner is reversed.

REVERSED

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RONALD H. SMITH)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
MARC L. CAROFF)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
ANDREW H. METZ)	
Administrative Patent Judge)	

Appeal No. 96-3687
Application 08/008,212

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