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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
16/347,561	05/03/2019	Gordon Alastair BELL	SYG-0298PA(115479.000216) 1089		
153842 7590 04/02/2021 BakerHostetler Washington Square, Suite 1100			EXAMINER		
			SULLIVAN, DANIELLE D		
Washington, DC 20036-5304			ART UNIT	PAPER NUMBER	
			1617		
			NOTIFICATION DATE	DELIVERY MODE	
			04/02/2021	ELECTRONIC	

### Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.Applicant(s)16/347,561BELL et al.					
Office Action Summary	Examiner	Art Unit	AIA (FITF) Status			
	DANIELLE D SULLIVAN	1617	Yes			
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondenc	ce address			
Period for Reply						
<ul> <li>A SHORTENED STATUTORY PERIOD FOR REPLY</li> <li>DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.11 date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period v</li> <li>Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing adjustment. See 37 CFR 1.704(b).</li> </ul>	G(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed after SIX ( the mailing date of ED (35 U.S.C. § 133	6) MONTHS from the mailing f this communication. 3).			
Status						
1)  ■ Responsive to communication(s) filed on 2/2	6/2021.					
A declaration(s)/affidavit(s) under 37 CFR	I.130(b) was/were filed on					
2a) This action is <b>FINAL</b> . 2b)	This action is non-final.					
3) An election was made by the applicant in resonance on; the restriction requirement and ele						
4) Since this application is in condition for allow closed in accordance with the practice under						
Disposition of Claims*						
5) I Claim(s) <u>1-5</u> is/are pending in the application.						
5a) Of the above claim(s) is/are withdr	awn from consideration.					
6) 🔲 Claim(s) is/are allowed.						
7) ☑ Claim(s) <u>1-5</u> is/are rejected.						
8)  Claim(s) is/are objected to.						
9) Claim(s) are subject to restriction a	•					
* If any claims have been determined <u>allowable</u> , you may be eli participating intellectual property office for the corresponding as	-		way program at a			
http://www.uspto.gov/patents/init_events/pph/index.jsp or send						
Application Papers						
10) The specification is objected to by the Exami	ner.					
11) The drawing(s) filed on is/are: a) a		the Examine	ər.			
Applicant may not request that any objection to the d						
Replacement drawing sheet(s) including the correction	on is required if the drawing(s) is obje	cted to. See 37	CFR 1.121(d).			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for forei Certified copies:	gn priority under 35 U.S.C. § 11	9(a)-(d) or (f	<sup>(</sup> ).			
a)☑ All b)□ Some** c)□ None of t	he:					
1. Certified copies of the priority docur	nents have been received.					
2. Certified copies of the priority docur	nents have been received in Ap	plication No.				
3. Copies of the certified copies of the application from the International But application from the International But application		received in th	nis National Stage			
** See the attached detailed Office action for a list of the certifi	ed copies not received.					
Attachment(s)						
1) V Notice of References Cited (PTO-892)       3) Interview Summary (PTO-413)						
<ol> <li>Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/S Paper No/s)/Mail Date 8/28/2019 and 2/26/2021</li> </ol>	Paper No(s)/Mail D					
LARM Find authenticated court doc	uments without watermarks at <u>c</u>	docketalarm.o	<u>com</u> .			

### Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

# Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/28/2019 and 2/26/2021 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement was considered by the examiner.

# **Claim Objections**

Claim 2 is objected to because of the following informalities: It is suggested that Applicant change claim 2, line 1 from "the agrochemical is" to "the agrochemical is selected from the group consisting of" for clarity.) Appropriate correction is required.

# Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b): (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA),

second paragraph, as being a use claim which fails to recite steps of use.

See MPEP §2173.5(q). The metes and bounds of the claim are unclear

because the process fails to set forth any steps involved in the process of

use. The claims have been treated as composition claims in order to

advance prosecution.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Merlet et al. (US 2011/0082037; publication date April 7, 2011) in

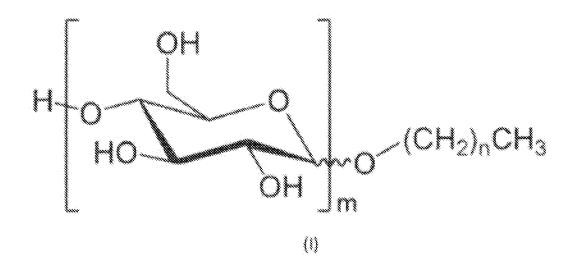
view of Croda (Speciality ingredients for personal care 2<sup>nd</sup> Edition, November

2005).

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### **Applicant's Invention**

Applicant claims a composition comprising (i) an alkyl polyglucoside of formula I, where n is from 7-11; and m is from 1-3;



(ii) a non-ionic surfactant which is not an alkyl polyglucoside with an HLB greater than or equal to 12; and (iii) an agrochemical which has a water solubility of less than 300 g/l, where the concentration of (i) is greater than or equal to (ii).

# Determination of the scope and the content of the prior art

### (MPEP 2141.01)

Merlet et al. teach an adjuvant blend comprising (a) and alk(en)yl oligoglycoside alkoxylate and b) a primary alcohol ethoxylate which improves the activity of various biocides (abstract). The alkyl

oligoglycosides have a formula I,  $\frac{R^1O[G]_p}{R^2}$  wherein R1 is a 6-22 alkyl, G is a sugar unit having 5 or 6 atoms and p is a number from 1-10 [0010-11].

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