

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b) (2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/989,655	Applicant(s) Ponder et al.	
	Examiner JOHN R HARDEE	Art Unit 1761	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's terminal disclaimer.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 30,32,34 and 37-40. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☒ Other <u>PTO-303</u> .
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/JOHN R HARDEE/
Primary Examiner, Art Unit 1761

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Mr. Todd Deveau on April 7, 2020.

The application has been amended as follows:

At line 1 of the specification [, mineral oil, synthetic alkyl aromatic lubricants and mixtures thereof] was deleted.

At line 2 of the specification, before "which", ---issued as U. S. Patent 9,982,179,-- was inserted.

Allowable Subject Matter

3. Claims 30, 32, 34 and 37-40 are allowed.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Dr. John R. Hardee, whose email address

is john.hardee@uspto.gov. *Correspondence by email is strongly encouraged*, including for scheduling telephone interviews. Should this be impracticable, the examiner's telephone number is (571) 272-1318. The examiner can normally be reached on Monday through Friday from 8:00 until 4:30. In the event that the examiner is not available, his supervisor, Mr. Harold Pyon, may be reached at (571) 272-1498.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8100. Please note that examiners may not accept or enter faxed amendments.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JOHN R HARDEE/
Primary Examiner
Art Unit 1761

<i>Examiner-Initiated Interview Summary</i>	Application No. 15/989,655	Applicant(s) Ponder et al.	
	Examiner JOHN R HARDEE	Art Unit 1761	AIA (FITF) Status No

All participants (applicant, applicant's representative, PTO personnel):

(1) JOHN R. HARDEE. (3) ____.

(2) Mr. Todd Deveau. (4) ____.

Date of Interview: 06 April 2020.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: ____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: ____.

Identification of prior art discussed: ____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's after-final amendment adds claims without cancelling an equal number of pending claims. Entry is denied. However, applicant's terminal disclaimer overcomes the only rejection of record, so the pending claims will be allowed. Applicant has indicated interest in filing an RCE or a continuation application to have the claims which were submitted with the after final entered, considered and examined..

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/JOHN R HARDEE/ Primary Examiner, Art Unit 1761	
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Advisory Action Before the Filing of an Appeal Brief	Application No. 15/989,655	Applicant(s) Ponder et al.	
	Examiner JOHN R HARDEE	Art Unit 1761	AIA (FITF) Status No

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2020 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. ☒ The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

c) ☐ A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANTS FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicants reply has overcome the following rejection(s): Double patenting

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): (a) ☐ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____

9. ☐ The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

10. ☐ The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

11. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____

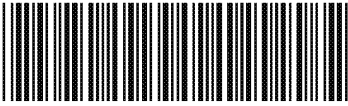
13. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____

14. ☐ Other: _____

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 30,32,34 and 37-40.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

/JOHN R HARDEE/ Primary Examiner, Art Unit 1761	
--	--

<i>Search Notes</i> 	Application/Control No. 15/989,655	Applicant(s)/Patent Under Reexamination Ponder et al.
	Examiner JOHN R HARDEE	Art Unit 1761

CPC - Searched*		
Symbol	Date	Examiner
C09K5/045, 2205/22	04/07/2020	JRH

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

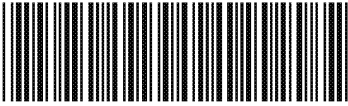
US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST text and CPC searches. PE2E inventor search.	09/18/2019	JRH
C09K5/045, 2205/22	04/07/2020	JRH

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
C09K	5/045; 2205/22	04/07/2020	JRH

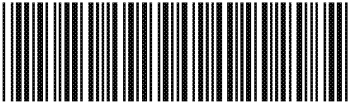
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Issue Classification 	Application/Control No. 15/989,655	Applicant(s)/Patent Under Reexamination Ponder et al.
	Examiner JOHN R HARDEE	Art Unit 1761

CPC						
Symbol					Type	Version
C09K	/	5	/	045	F	2013-01-01
C10M	/	171	/	008	I	2013-01-01
C09K	/	2205	/	22	A	2013-01-01
C09K	/	2205	/	43	A	2013-01-01
C10M	/	2203	/	1065	A	2013-01-01
C10M	/	2223	/	041	A	2013-01-01
C10N	/	2220	/	302	A	2013-01-01
F25B	/	2400	/	18	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	6	
/JOHN R HARDEE/ Primary Examiner, Art Unit 1761	07 April 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

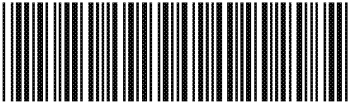
Issue Classification 	Application/Control No. 15/989,655	Applicant(s)/Patent Under Reexamination Ponder et al.
	Examiner JOHN R HARDEE	Art Unit 1761

INTERNATIONAL CLASSIFICATION			
CLAIMED			
C09K	/	5	/ 04
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	6	
/JOHN R HARDEE/ Primary Examiner, Art Unit 1761	07 April 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification 	Application/Control No. 15/989,655	Applicant(s)/Patent Under Reexamination Ponder et al.
	Examiner JOHN R HARDEE	Art Unit 1761

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	30	5	39												
-	31	6	40												
4	32														
-	33														
7	34														
-	35														
-	36														
2	37														
3	38														

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 6	
/JOHN R HARDEE/ Primary Examiner, Art Unit 1761 (Primary Examiner) _____ (Date) 07 April 2020		O.G. Print Claim(s) 1	O.G. Print Figure 1

Bibliographic Data

Application No: 15/989,655

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No ☐ Met After Allowance

Verified and Acknowledged:

/JOHN R HARDEE/

Examiner's Signature

Initials

Title:

REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT
OF R22 REFRIGERANT

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
05/25/2018	252	1761	821920-1033
RULE			

APPLICANTS

R421A LLC, Alpharetta, GA,

INVENTORS

Kenneth M. Ponder Cumming, GA, UNITED STATES

Steffan Thomas Buckhead, GA, UNITED STATES

CONTINUING DATA

This application is a CON of 13493491 06/11/2012 PAT 9982179

13493491 is a CON of 12961045 12/06/2010 PAT 8197706

12961045 is a CON of 10937736 09/08/2004ABN

10937736 has PRO of 60501049 09/08/2003

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

06/14/2018

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

THOMAS | HORSTEMEYER, LLP

3200 WINDY HILL ROAD, SE

SUITE 1600E

ATLANTA, GA 30339

UNITED STATES

FILING FEE RECEIVED

\$865

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 5897

Kenneth M. Ponder

Group Art Unit: 1761

Serial No.: 15/989,655

Examiner: Hardee, John R.

Filed: May 25, 2018

Docket No. 821920-1033

For: **REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22
REFRIGERANT**

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Final Office Action from Examiner John R. Hardee mailed on March 9, 2020 (Paper No./Mail Date 20200303), has been received and reviewed. Applicants provide the following remarks in response.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that an extension of time is necessary to allow consideration of this paper, such extension is hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**Title of
Invention****REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22
REFRIGERANT**

As the below named inventor, I hereby declare that:

This declaration
is directed to:☐

The attached application, or

☒United States application or PCT international application number 15/989,655filed on May 25, 2018

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTORInventor: Kenneth M. Ponder

Date (Optional): _____

Signature: Kenneth M. Ponder

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**SUBSTITUTE STATEMENT IN LIEU OF AN OATH OR DECLARATION FOR UTILITY
OR DESIGN PATENT APPLICATION (35 U.S.C. 115(d) AND 37 CFR 1.64)**

Title of Invention	REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22 REFRIGERANT		
This statement is directed to:			
☐ The attached application,			
OR			
☒ United States application or PCT international application number <u>15/989,655</u> filed on <u>May 25, 2018</u> .			
LEGAL NAME of inventor to whom this substitute statement applies:			
(E.g., Given Name (first and middle (if any)) and Family Name or Surname)			
Steffan Thomas			
Residence (except for a deceased or legally incapacitated inventor):			
City	State	Country	
Mailing Address (except for a deceased or legally incapacitated inventor):			
City	State	Zip	Country
I believe the above-named inventor or joint inventor to be the original inventor or an original joint inventor of a claimed invention in the application.			
The above-identified application was made or authorized to be made by me.			
I hereby acknowledge that any willful false statement made in this statement is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.			
Relationship to the inventor to whom this substitute statement applies:			
☐ Legal Representative (for deceased or legally incapacitated inventor only),			
☒ Assignee,			
☐ Person to whom the inventor is under an obligation to assign,			
☐ Person who otherwise shows a sufficient proprietary interest in the matter (petition under 37 CFR 1.46 is required), or			
☐ Joint Inventor.			

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SUBSTITUTE STATEMENT

Circumstances permitting execution of this substitute statement:

- ☒ Inventor is deceased,
- ☐ Inventor is under legal incapacity,
- ☐ Inventor cannot be found or reached after diligent effort, or
- ☐ Inventor has refused to execute the oath or declaration under 37 CFR 1.63.

If there are joint inventors, please check the appropriate box below:

- ☒ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) naming the entire inventive entity has been or is currently submitted.

OR

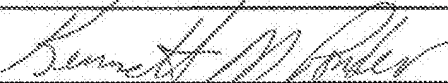
- ☐ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) has not been submitted. Thus, a Substitute Statement Supplemental Sheet (PTO/AIA/11 or equivalent) naming the entire inventive entity and providing inventor information is attached. See 37 CFR 1.64(b).

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

Name: **Kenneth M. Ponder** Date (Optional):

Signature: **APPLICANT NAME AND TITLE OF PERSON EXECUTING THIS SUBSTITUTE STATEMENT:**

If the applicant is a juristic entity, list the applicant name and the title of the signer:

R421A LLC

Applicant Name:

Title of Person Executing
This Substitute Statement: **Manager**

The signer, whose title is supplied above, is authorized to act on behalf of the applicant.

Residence of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent):

City: State: Country:

Mailing Address of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent)

610 McFarland 400 Dr.

City: **Alpharetta** State: **GA** Zip: **30004** Country: **US**

Note: Use an additional PTO/AIA/02 form for each inventor who is deceased, legally incapacitated, cannot be found or reached after diligent effort, or has refused to execute the oath or declaration under 37 CFR 1.63.

Electronic Acknowledgement Receipt

EFS ID:	39296451
Application Number:	15989655
International Application Number:	
Confirmation Number:	5897
Title of Invention:	REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22 REFRIGERANT
First Named Inventor/Applicant Name:	Kenneth M. Ponder
Customer Number:	24504
Filer:	Todd Deveau./Sheila Gray
Filer Authorized By:	Todd Deveau.
Attorney Docket Number:	821920-1033
Receipt Date:	29-APR-2020
Filing Date:	25-MAY-2018
Time Stamp:	10:44:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Oath or Declaration filed	821920-1033__Declaration_-_signed.pdf	463823 a7ffd678d73266f30e99c54519b7ee253e11744	no	1

Warnings:

Information:					
2	Oath or Declaration filed	821920-1033__Substitute_Oath_or_Declaration_-_Thomas_-_signed.pdf	647991 20e52d6dad4bc0ad111b7230dfb81083ea4e9737	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1111814		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	15/989,655	Filing Date	2018-05-25	Docket Number (if applicable)	821920-1033	Art Unit	1761
First Named Inventor	Kenneth M. Ponder			Examiner Name	Hardee, John R.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed **unentered** amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed **unentered** amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 200778

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner

Signature	Todd Deveau/	Date (YYYY-MM-DD)	2020-04-30
Name	Todd Deveau	Registration Number	29526

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15989655
	Filing Date	2018-05-25
	First Named Inventor	Kenneth M. Ponder
	Art Unit	1761
	Examiner Name	Hardee, John R.
	Attorney Docket Number	821920-1033

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4983312		1992-01-08	Tamura et al.	
	2	6606868	B1	2003-08-19	Powell et al.	
	3	6863840	B2	2005-03-08	Goble	
	4	5688432	A	1997-11-18	Pearson	
	5	6271184	B1	2001-08-07	Seebauer et al.	
	6	5254280	A	1993-10-19	Thomas et al.	
	7	5384057	A	1995-01-24	Wilczek	
	8	4971712		1990-11-20	Gorski et al.	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	15989655
Filing Date	2018-05-25
First Named Inventor	Kenneth M. Ponder
Art Unit	1761
Examiner Name	Hardee, John R.
Attorney Docket Number	821920-1033

9	5145594	A	1992-09-08	Anton et al.
10	5942149	A	1999-08-24	Webber, III

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

U.S. PATENT APPLICATION PUBLICATIONS

Remove

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20030062508	A1	2003-04-03	Singh et al.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

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FOREIGN PATENT DOCUMENTS

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							

If you wish to add additional Foreign Patent Document citation information please click the Add button

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NON-PATENT LITERATURE DOCUMENTS

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	15989655
Filing Date	2018-05-25
First Named Inventor	Kenneth M. Ponder
Art Unit	1761
Examiner Name	Hardee, John R.
Attorney Docket Number	821920-1033

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	15989655
Filing Date	2018-05-25
First Named Inventor	Kenneth M. Ponder
Art Unit	1761
Examiner Name	Hardee, John R.
Attorney Docket Number	821920-1033

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Todd Deveau/	Date (YYYY-MM-DD)	2020-04-30
Name/Print	Todd Deveau	Registration Number	29526

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal				
Application Number:		15989655		
Filing Date:		25-May-2018		
Title of Invention:		REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22 REFRIGERANT		
First Named Inventor/Applicant Name:		Kenneth M. Ponder		
Filer:		Todd Deveau./Sheila Gray		
Attorney Docket Number:		821920-1033		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE- 1ST REQUEST	2801	1	650	650
Total in USD (\$)				650

Electronic Acknowledgement Receipt

EFS ID:	39303059
Application Number:	15989655
International Application Number:	
Confirmation Number:	5897
Title of Invention:	REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22 REFRIGERANT
First Named Inventor/Applicant Name:	Kenneth M. Ponder
Customer Number:	24504
Filer:	Todd Deveau./Sheila Gray
Filer Authorized By:	Todd Deveau.
Attorney Docket Number:	821920-1033
Receipt Date:	30-APR-2020
Filing Date:	25-MAY-2018
Time Stamp:	07:10:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$650
RAM confirmation Number	E20204T810260204
Deposit Account	200778
Authorized User	Sheila Gray

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	821920-1033__RCE__submit_art_.pdf	1350138	no	3
			8387bdf43685dd6852284b4356008f4046c2b120		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	821920-1033__IDS__submit_w-RCE_.pdf	1034985	no	5
			24d2d1c864a15f2f15a5f8d9ec9ae9236113f6b2		
Warnings:					
Information:					
3	Amendment Submitted/Entered with Filing of CPA/RCE	821920-1033__Response_to_FOA_and_Submission_of_IDS_.pdf	194237	no	9
			6fe59638f8e679dd953c5c0781d5e10b07f32c3d		
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	30458	no	2
			486e8bf3632cf86e4341491a5020f392133a370b		
Warnings:					
Information:					
Total Files Size (in bytes):			2609818		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 5897

Kenneth M. Ponder

Group Art Unit: 1761

Serial No.: 15/989,655

Examiner: Hardee, John R.

Filed: May 25, 2018

Docket No. 821920-1033

For: **REFRIGERANT WITH LUBRICATING OIL FOR REPLACEMENT OF R22
REFRIGERANT**

**RESPONSE TO FINAL OFFICE ACTION, AND SUBMISSION OF IDS, ALONG WITH
REQUEST FOR CONTINUED EXAMINATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Final Office Action from Examiner John R. Hardee mailed on March 9, 2020 (Paper No./Mail Date 20200303), has been received and reviewed. Applicants provide the following remarks in response.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that an extension of time is necessary to allow consideration of this paper, such extension is hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

AMENDMENTS TO THE CLAIMS

Please amend the claims as indicated hereafter wherein the changes are shown by strikethrough or double brackets for deleted matter and underlining for added matter.

1-29. (Cancelled)

30. (Previously Presented) In an apparatus designed for use with chlorodifluoromethane refrigerant, the improvement comprising substituting the chlorodifluoromethane with a refrigerant composition designed to achieve a phase change, the refrigerant composition comprising a combination of refrigerant gases, said refrigerant gases consisting of a blend of tetrafluoroethane and pentafluoroethane, wherein in the substitute refrigerant said pentafluoroethane is present in an amount of 59% to 57% by weight and said tetrafluoroethane is present in an amount of 41% to 43% by weight on the basis of the combined weights of said pentafluoroethane and said tetrafluoroethane totaling 100%, and wherein said tetrafluoroethane is 1,1,1,2- tetrafluoroethane.

31. (Cancelled)

32. (Currently Amended) A method for refilling an apparatus designed for use with a chlorodifluoromethane refrigerant, the method comprising:

(1) selecting a substitute refrigerant composition designed to achieve a phase change and comprising a combination of refrigerant gases, the refrigerant gases consisting of a blend of tetrafluoroethane and pentafluoroethane, wherein in the substitute refrigerant said pentafluoroethane is present in an amount of 59% to 57% by weight and said tetrafluoroethane is present in an amount of 41% to 43% by weight ~~of the combined weight of the pentafluoroethane and tetrafluoroethane~~ on the basis of the combined weights of said

pentafluoroethane and said tetrafluoroethane totaling 100%, and wherein the tetrafluoroethane is 1,1,1,2- tetrafluoroethane, and

(2) supplying the substitute refrigerant composition under pressure, in a cylinder can fitted with an outlet compatible with a chlorodifluoromethane recharging manifold of the apparatus.

33. (Cancelled)

34. (Previously Presented) A refrigerant composition comprising a combination of refrigerant gases, the refrigerant gases consisting of a blend of tetrafluoroethane and pentafluoroethane, wherein in the refrigerant composition said pentafluoroethane is present in an amount of 59% to 57% by weight and said tetrafluoroethane is present in an amount of 41% to 43% by weight on the basis of the combined weights of said pentafluoroethane, and said tetrafluoroethane totaling 100% and wherein said tetrafluoroethane is 1,1,1,2- tetrafluoroethane.

35-36. (Cancelled)

37. (Previously Presented) In the apparatus of claim 30, wherein the apparatus is selected from the group consisting of refrigeration equipment, air-conditioning equipment, and HVAC equipment.

38. (Previously Presented) In the apparatus of claim 30, wherein the refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

39. (Previously Presented) The method according to claim 32, wherein the apparatus is selected from the group consisting of refrigeration equipment, air-conditioning equipment, and HVAC equipment.

40. (Previously Presented) The method according to claim 32, wherein the substitute refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

41-46. (Cancelled)

47. (New) In the apparatus of claim 30, wherein said pentafluoroethane is present in the ratio of about 58% by weight to said tetrafluoroethane present in an amount of about 42% by weight.

48. (New) The method according to claim 32, wherein said pentafluoroethane is present in the ratio of about 58% by weight to said tetrafluoroethane present in an amount of about 42% by weight.

49. (New) The refrigerant composition according to claim 34, wherein said pentafluoroethane is present in the ratio of about 58% by weight to said tetrafluoroethane present in an amount of about 42% by weight.

50. (New) In the apparatus of claim 30, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

51. (New) The method according to claim 32, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

52. (New) The refrigerant composition according to claim 34, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

53. (New) In the apparatus of claim 47, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

54. (New) The method according to claim 48, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

55. (New) The refrigerant composition according to claim 49, wherein the refrigerant composition further comprises a non-refrigerant gas component in the form of a lubricating oil, wherein the lubricating oil is present up to about 20% by weight of the refrigerant gases and is soluble in chlorodifluoromethane, tetrafluoroethane and pentafluoroethane.

56. (New) The refrigerant composition according to claim 34, wherein the refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

57. (New) The refrigerant composition according to claim 49, wherein the refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

58. (New) The refrigerant composition according to claim 52, wherein the refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

59. (New) The refrigerant composition according to claim 54, wherein the refrigerant composition includes an additive selected from the group consisting of an acrylic polymer, a corrosion inhibitor, a surfactant, a foaming agent, and mixtures thereof.

REMARKS

The Applicants thank the Examiner for the issuance of the Final Office Action that presents a single issue, namely: a rejection on the ground of statutory double patenting in view of certain claims identified in US 8,197,706 and in US 9,982,179.

In response, Applicants previously submitted on April 2, 2020, a Terminal Disclaimer to both US 8,197,706 and in US 9,982,179, which Terminal Disclaimer has been approved, thereby traversing the rejection.

Applicants have amended claim 32 to correct a redundancy in the claim and added new claims 47 to 59. New claims 47-49 find support, for example, at least at: page 7, lines 10-12; page 14, lines 4-8; and Fig. 1. New claims 50-55 find support, for example, at least at: page 7, lines 13-18, and page 9, lines 16-19. New claims 56-59 find support, for example, at page 10, lines 14-18 and page 14, lines 14-18.

Further, Applicants also submit herewith an Information Disclosure Statement. Applicants have been provided the references listed in the Information Disclosure Statement by a third party in conjunction with a dispute involving US Patent 9,982,179, issued May 29, 2018 from parent application serial number 13/493,491, on which priority is claimed herein, and the potential that the third party may request review of the '179 patent. The third party has also presented some arguments labeled as "Draft". Considering that the arguments are labeled "Draft," and constitute basically attorney argument, the "Draft" arguments are not presented herewith on the belief that the Examiner, who has examined the entire history of the various applications noted below, including SN 10/937,736, filed on September 8, 2004, is in better position to make his own determination of these references.

The references listed in the IDS have been presented by the third party in addition to US 6,207,071 (Takigawa et al.; “*Takigawa*”) that is already cited in the present application history and was also cited in application 13/493,491.

Applicants note that references 1, 2 (by way of foreign equivalent WO 01/23493 – Powell et al.; “*Powell*”), and 6-10 were previously cited and considered in connection with parent application serial number 10/937,736 (wherein the present application is a continuation of SN 13/493,491, now US 9,982,179, that is a continuation of SN 12/961,045, now US 8,197,706, that is a continuation of SN 10/937,736, filed on September 8, 2004, that claims the benefit of provisional application SN 60/501,049).

References 3-4 do not appear to be any more relevant than *Powell*, in that they are directed to compositions having at least three refrigerant gasses.

Reference 5 (Seebaure et al.) is titled “Viscosity Improvers for Lubricating Oil Compositions.”

The reference 1 under US Patent Application Publications, US 2003/0062508, is equivalent to EP 1 295 928 – “*Honeywell*”), was also cited and considered in connection with SN 10/937,736 and is directed to a refrigerant composition having at least three refrigerant gasses, like *Powell* and references 3-4.

CONCLUSION

In light of the foregoing remarks and for at least the reasons set forth above, Applicants respectfully submit that the remaining rejection has been traversed and that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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Registration No. 29,526

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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number 15/989,655		Filing Date 05/25/2018		☐ To be Mailed			
Substitute for Form PTO-875											
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO											
APPLICATION AS FILED - PART I											
		(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 = *				x \$50 =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *				x \$230 =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL					
APPLICATION AS AMENDED - PART II											
AMENDMENT	(Column 1)		(Column 2)		(Column 3)						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	04/30/2020		20		= 0		x \$50 =		0		
	Total (37 CFR 1.16(i))		* 20 Minus ** 20		= 0		x \$50 =		0		
	Independent (37 CFR 1.16(h))		* 3 Minus *** 3		= 0		x \$230 =		0		
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE		0			
AMENDMENT	(Column 1)		(Column 2)		(Column 3)						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
			*		=		x \$0 =				
	Total (37 CFR 1.16(i))		* Minus **		=		x \$0 =				
	Independent (37 CFR 1.16(h))		* Minus ***		=		x \$0 =				
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE					
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						SLIE					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ALA H HUNTER/					
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

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