

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 16/516,792	Confirmation No. 2546
Inventor(s)	: Manuella Herb et al.	
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TC/A.U.	: 1612	
Examiner	: Hong Yu	
Title	: FILM COMPOSITE FOR PACKAGING TRANSDERMAL PATCHES, AND PACKAGE MADE OF SUCH A FILM COMPOSITE	
Docket No.	: TRO-45953	
Customer No.	: 075626	

AMENDMENT "E" and Request for Continued Examination

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

This amendment is filed in response to the Final Office action dated April 7, 2022 and serves as a second Request for Continued Examination under 37 C.F.R. 1.114. Because the three-month response period expired July 7, 2022, Applicant respectfully petitions and requests a one-month extension of time. If it is determined that an additional extension is needed, Applicant hereby petitions and requests the same. Any fees associated with the extension should be charged to our deposit account noted below and in this application. Please amend the above-identified application as follows:

- **Amendments to the Claims** are reflected in the listing of claims, which begins on page **2** of this paper.

- **Remarks/Arguments** begin on page **9** of this paper.

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-37 (canceled)

Claim 38 (new): A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a metal layer;
- (ii) an acrylic acid-containing joining layer;
- (iii) a polyethylene layer; and,
- (iv) a COC layer made of cycloolefin copolymer, a side of the COC layer which faces away from the metal layer being an exposed surface of the film composite,

wherein the polyethylene layer comprises metallocene polyethylene to tie the COC layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite.

Claim 39 (new): The film composite according to claim 38, wherein the proportion of metallocene polyethylene in terms of the total polyethylene of the polyethylene layer is at least 50 wt%.

Claim 40 (new): The film composite according to claim 38, wherein the polyethylene layer comprises a metallocene linear low density polyethylene.

Claim 41 (new): The film composite according to claim 38, wherein the polyethylene layer comprises at least one of a C6 metallocene polyethylene and a C8 metallocene polyethylene.

Claim 42 (new): A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a metal layer;
- (ii) an acrylic acid-containing joining layer;
- (iii) a polyethylene layer; and,
- (iv) a COC layer made of cycloolefin copolymer, a side of the COC layer which faces away from the metal layer being an exposed surface of the film composite, wherein the polyethylene layer comprises a C8 metallocene linear low density polyethylene and wherein the polyethylene layer connects the COC-layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite.

Claim 43 (new): The film composite according to claim 42, wherein the acrylic acid-containing joining layer is an ethylene-acrylic acid (EAA) copolymer.

Claim 44 (new): The film composite according to claim 38, wherein each of the acrylic acid-containing joining layer, the polyethylene layer, and the COC layer, has a layer thickness in the range from about 7 μm to about 15 μm .

Claim 45 (new): The film composite according to Claim 44, wherein the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 15%.

Claim 46 (new): The film composite according to Claim 45, wherein the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 11%.

Claim 47 (new): The film composite according to Claim 44, wherein each of the layers, from among the acrylic acid-containing joining layer, the polyethylene layer, and the COC layer, has a layer thickness in the range from approximately 9 μm to 12 μm .

Claim 48 (new): The film composite according to Claim 47, wherein the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 15%.

Claim 49 (new): The film composite according to Claim 48, wherein the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 11%.

Claim 50 (new): The film composite according to Claim 38, wherein the film composite comprises, on the side of the metal layer which faces away from the COC layer, at least one further layer made of at least one of a paper and a plastic.

Claim 51 (new): The film composite according to Claim 50, wherein the at least one further layer includes a paper layer and a plastic layer.

Claim 52 (new): The film composite according to Claim 51, wherein the plastic layer is located closer to the metal layer than the paper layer.

Claim 53 (new): The film composite according to Claim 50, wherein the at least one further layer includes a plastic layer that is a biaxially oriented plastic.

Claim 54 (new): The film composite according to Claim 50, wherein the at least one further layer includes a plastic layer that is at least one of a polyethylene terephthalate and a polyamide.

Claim 55 (new): The film composite according to Claim 50, wherein the at least one further layer includes at least one of

- (i) a paper layer having at least one of a thickness of 35 to 45 μm and a weight per unit area of 35 to 45 g/m^2 and
- (ii) a plastic layer having at least one of a thickness of 19 to 27 μm and a weight per unit area of 28 to 36 g/m^2 .

Claim 56 (new): The film composite according to Claim 55, wherein the at least one further layer includes at least one of

- (i) a paper layer having at least one of a thickness of 39 to 41 μm and a weight per unit area of 39 to 41 g/m^2 and
- (ii) a plastic layer having a thickness of 22 to 24 μm and a weight per unit area of 31 to 33 g/m^2 .

Claim 57 (new): A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a metal layer;
- (ii) an acrylic acid-containing joining layer;
- (iii) a polyethylene layer; and
- (iv) a COC layer made of cycloolefin copolymer,

wherein the polyethylene layer comprises metallocene polyethylene to tie the COC layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite, and wherein

each of the layers, from among the acrylic acid-containing joining layer, the polyethylene layer, and the COC layer, has a layer thickness in the range from about 7 μm to about 15 μm , and wherein

the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 15%.

Claim 58 (new): A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a layer made of at least one of a paper and a plastic;
- (ii) a metal layer;
- (iii) an acrylic acid-containing joining layer;
- (iv) a polyethylene layer; and,
- (v) a COC layer made of cycloolefin copolymer, a side of the COC layer which faces away from the metal layer being an exposed surface of the film composite,

wherein the polyethylene layer comprises metallocene polyethylene to tie the COC layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite, and wherein

each of the layers, from among the acrylic acid-containing joining layer, the polyethylene layer, and the COC layer, has a layer thickness in the range from about 7 μm to about 15 μm , and wherein

the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 15%.

Claim 59 (new): The film composite according to Claim 58, wherein the at least one further layer includes a paper layer and a plastic layer.

Claim 60 (new): The film composite according to Claim 59, wherein the plastic layer is located closer to the metal layer than the paper layer.

Claim 61 (new): The film composite according to Claim 60, wherein the at least one further layer includes a plastic layer that is a biaxially oriented plastic.

Claim 62 (new): The film composite according to Claim 61, wherein the at least one further layer includes a plastic layer that is at least one of a polyethylene terephthalate and a polyamide.

Claim 63 (new): The film composite according to Claim 58, wherein the at least one further layer includes at least one of

- (i) a paper layer having at least one of
 - a. a thickness of 35 to 45 μm and
 - b. a weight per unit area of 35 to 45 g/m^2 and
- (ii) a plastic layer having at least one of
 - a. a thickness of 19 to 27 μm and
 - b. a weight per unit area of 28 to 36 g/m^2 .

Claim 64 (new and withdrawn from consideration): A package for a planar carrier of pharmaceutical active substances, comprising two film-composite sheets of claim 38, wherein the two film-composite sheets are arranged with mutually facing COC layers to form a carrier receiving space and wherein the two film-composite sheets are joined to one another by local sealing of regions of the COC layers.

Claim 65 (new and withdrawn from consideration): The package according to Claim 64, wherein the package is a four-side-sealed pouch having a sealed seam surrounding the carrier receiving space.

Claim 66 (new and withdrawn from consideration): The package according to Claim 65, having a planar active-substance carrier, in particular a transdermal patch, contained in the carrier receiving space, the pharmaceutical active substance containing at least one of nicotine, fentanyl and lidocaine.

REMARKS

The Final Office Action dated April 7, 2022 has been received and carefully considered. In response, Applicant respectfully submits that the prior art fails to teach the invention of this application wherein reconsideration and allowance is respectfully requested.

The currently pending claims are 38-63, which are supported by earlier claims 16-34, now cancelled. Withdrawn claims 35-37 are replaced by “new and withdrawn” claims 64-66.

In addition, Applicant requests that withdrawn claims 64-66 (earlier 35-37) be rejoined and considered upon the allowance of generic elected claim 38 (earlier 16).

Claims 16 and 18-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn et al. (US 2015/0225151 A 1) in view of Toft et al. (US 2005/0181154 A 1) and Torradas et al. (US 2017/0136747 A 1).

It is respectfully submitted that cited references do not teach the invention of this application wherein reconsideration and allowance is respectfully requested. The prior art is applied to new claims 38 and 40-63 in place of earlier claims 16 and 18-34.

The extent of Osborn’s teachings is the existence of certain recited materials. The instant invention discloses and claims a specific arrangement of layers in a specific order that creates special properties that were not recognized or known before this application was filed. The specific arrangement of layers in the specific order recited in the claims is not taught in the cited references. The Examiner has used Applicant’s specification as a roadmap for the assemblage of various material layers in the order instantly claimed.

For Example, the teachings of Osborn (2 embodiments), Toft and the subject matter of Instant Claims 38, 42 and 50 are compared in Table 1:

Table 1: Comparative multilayer barriers of Osborn and the Invention

Osborn 1	Osborn 2	Toft	Invention Claim 38	Invention Claim 42	Invention Claim 50
exterior	exterior	exterior	exterior	exterior	exterior
OPET/ Paper	OPET/ Paper	PE	XXX*	XXX	XXX
PE	Primer / PE	Paper	XXX	XXX	Paper or plastic/ OPET
LDPE	LDPE	LDPE	XXX	XXX	XXX
EVA	EAA	XXX	XXX	XXX	XXX
O2 barrier (Al foil)	O2 barrier (Al foil)	O2 barrier (Al foil)	O2 barrier (Al foil)	O2 barrier (Al foil)	O2 barrier (Al foil)
PE or EVA	EAA	EAA	EAA/EVA	EAA/EVA	EAA/EVA
Polyolefin Bulk: PE, LLDPE, m-LLDPE	LDPE	COC + mLLDPE	PE	PE inc. C ₈ m-LLDPE	PE, LLDPE, m-LLDPE
COC	COC	m-PE/ m-LLDPE	COC	COC	COC
Interior	Interior	interior	interior	Interior	interior

*XXX means this layer is not mentioned in this column.

Osborn does not disclose metallocene polyethylene in the polyethylene layer that is in between the COC layer and the acrylic acid containing joining layer as is recited in claim 38. Selecting and combining word portions and symbols together, which are found in Osborn

and/or Toft, does not teach the invention. These noted fragments from the prior art, which do not and cannot be combined as alleged, do not render obvious the claimed invention. There is no teaching or suggestion in the cited references, singly or in combination, to include metallocene polyethylene in the polyethylene layer that is in between the COC layer and the acrylic acid-containing joining layer as is recited in claim 38. Only by the improper use of hindsight reconstruction, based on the disclosure of this application, could such a leap be made.

The Examiner cites Toft and Torradas together as overcoming the shortcomings of Osborn. This combination fails. The propositions for which Toft and Torradas are cited as the alleged disclosure of Toft of a PE layer (such as m-LLDPE) next to the COC layer, and that of Torradas: LLDPE being preferred for packaging films. Toft's PE/m-LLDPE layer is interior to the COC layer. However, the combination of Osborn and Toft fail to teach or suggest the instantly claimed embodiments where the COC is the exterior layer. Osborn teaches that **only** the COC layer may be the interior layer, that is, adjacent to the product (= interior). In paragraph [0041], Osborn notes that it is *"essential that the oxygen and water barrier layer film ... have an article contact layer containing ethylene norbornene copolymer which is a cyclic olefin copolymer (COC)."* Therefore the teachings of Osborn prevent the combination of any other art reference from modifying that aspect of Osborn. In that light, all other combinations of any other prior art reference, including Toft and Torradas with Osborn that purport to alter Osborn such that a COC layer is not the article contact layer (i.e., the innermost layer), are forbidden and any argumentation or rejection based thereon, is moot. For emphasis, Applicant notes that Osborn discloses not that any COC is required in the innermost layer, but that the innermost layer must be specifically ethylene norbornene copolymer.

Toft teaches that the layer including COC is adjacent to the innermost layer, (but not that the COC layer is the innermost layer) with a layer including PE (which can be m-LLDPE) as the innermost layer. There is no way to combine Toft with Osborn in this

manner as the Examiner has done. Toft teaches a paper core as an outer layer, while the outermost layer is a heat sealable PE. Neither reference, nor their combination, teaches the COC layer being the innermost or next to the innermost layer.

Torradas is cited for the propositions that (i) LLDPE is preferred as a PE layer used as a moisture barrier in a multilayer film and (ii) the exterior layer is aluminum or PE. The Examiner incorrectly interprets Torradas as further teaching that any composition layer can be in any relative location: inner, outer or a layer between the inner and outer layer. This, teaches all possible orientations and adds nothing to the conversation. There is no preferred orientation taught, meaning that the combination of Torradas with Toft and/or Osborn invited the skilled artisan to try everything, with no clear teaching that can be applied to Osborn and/or Toft. The structure layer in Osborn is the “bulk” layer which is a polyolefin such as PE or LLDPE; conversely, the structure layer in Toft is the paper layer.

Relevant to the layer thicknesses (absolute and relative) of the structure as claimed in earlier claims 22 – 27 the Examiner cites Osborn’s Examples 2 and 5. Applicant notes that, although Osborn’s Example 2 is a disclosure of that reference, it is a “Comparative Example” meaning it is the prior art relative to the invention of Osborn. Example 5 is the only exemplary teaching of the Osborn invention.

In the paragraph bridging pages 3-4 of the Office Action, the examiner sets forth the details of Osborn’s Example 5 as an *eight-layer* film. The thicknesses of the various layers are also recited.

The Examiner concludes that:

[A]ll layers can have the thickness of less than mils¹ and any increment of 0.1 or 0.01 mil there between which includes 0.4 mil (10.16 μm) (the instant claims 22 and 25) and 1.5 mil (25.4 μm) (the thickness of paper layer in the instant claims 22 and 25) (entire reference, especially abstract, figure 1, paragraph 6-12, 15, 16, 20-28, 40, 41, 46, 47, 49, 50, 51, 53, 54, 57, 68, 69, 71, 72, 78, 93, 97, and 100, and claims 1-5).

Since Osborn et al. teach the adhesive, PE, and COC layers being coextruded which is the

¹ The phrase “less than mils” is the direct quote of the Examiner and it is unknown whether the Examiner intended to include a numerical value, such as “less than 100 mils.”

same as the method of producing the acrylic acid, PE, and COC layers (2nd paragraph on page 5), the thickness value (claims 23, 24, 26, and 27) of the adhesive, PE, and COC layers taught by Osborn et al. teach would be the same as those of the acrylic acid, PE, and COC layers of the claimed film.

Simply, the Examiner concludes that because a similar production procedure is used in Osborn and the claimed invention, the thickness value of any such layers would be the same as those in the claimed film. More simply, the conclusion is “because it is made in the same/similar way, the dimensions are the same.” There are words to convey how improper this reasoning is to reach this conclusion: *non sequitur*.

The Examiner does not, and cannot, actually point out any clear teaching or suggestion of the claimed thickness layer ranges in the Osborn reference, or any other reference, because such teaching is not there. The use of a similar fabrication or lamination method does not axiomatically lead to the precise thicknesses as claimed in the application.

Even assuming *arguendo* that the extrapolation from Osborn leads to the same layer thicknesses as those instantly claimed, there is simply no teaching or suggestion in Osborn – or the other references – singly or in combination, that leads to the claimed relative thicknesses in present claims (58-62), former claims 22-27, 33 and 34.

The molecular structure of the m-LLDPE molecule defines its chemical and physical behavior. It has been found by the inventors of this application that C8 m-LLDPE is suitable to create a strong bond to a COC layer and to thereby prevent delamination. None of the cited prior art documents even mentions side-chain branches of m-LLDPE, and are even more silent on possible lengths of side-chain branches branching-off from the slender main PE string.

Moreover, the item 15-1 in figure 1 of Toft referenced in the Office Action on page 5- as an adhesive layer of EAA is not such a layer. Conversely, paragraph [0081] of Toft

identifies item 15-1 as an adhesive part-layer comprising an adhesive polymer, whereas this adhesive part layer according to [0083] of Toft is a maleic-anhydride graft modified LLDPE, which is not even closely resembling EAA (ethylene acrylic acid).

The Office Action explicitly refers to paragraphs [0020] and [0021] of Toft to emphasize the allegedly desirable properties of m-LLDPE, like improved tear and puncture resistance, toughness, impact strength, clarity, anti-blocking properties and heat sealing performance compared to that of ordinary LDPE [Office Action page 6]. However, this assertion ignores that the cited paragraphs of Toft conversely recommends the use of metallocene polyethylenes for the innermost layers in packaging laminates, which explains the vowed clarity, antiblocking and sealing properties which are only relevant for an exposed layer, but not for intermediate layers as is the case in the subject-matter of the recited invention.

There is no teaching in the cited references as to why a skilled practitioner in the art would use a metallocene-PE containing polyethylene layer to establish an enhanced bond between an exposed COC layer and a metal layer through an EAA layer, based on the recommendation to use metallocene polyethylenes as innermost layers. Conversely, the opposite should be true. After reading Toft, any skilled artisan would use m-PEs as exposed outer layers, but never in between other layers.

New independent claims are as follows:

Claim 42. A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a metal layer;
- (ii) an acrylic acid-containing joining layer;
- (iii) a polyethylene layer; and,

(iv) a COC layer made of cycloolefin copolymer, a side of the COC layer which faces away from the metal layer being an exposed surface of the film composite, wherein the polyethylene layer comprises a C8 metallocene linear low density polyethylene and wherein the polyethylene layer connects the COC-layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite.

Claim 57: A film composite for manufacturing a package for planar carriers of pharmaceutical active substances, comprising, in a direction from the outer side of the film composite toward its inner side:

- (i) a metal layer;
- (ii) an acrylic acid-containing joining layer;
- (iii) a polyethylene layer; and
- (iv) a COC layer made of cycloolefin copolymer,

wherein the polyethylene layer comprises metallocene polyethylene to tie the COC layer to the acrylic acid-containing joining layer and thereby to the metal layer to promote the delamination stability of the film composite, and wherein

each of the layers, from among the acrylic acid-containing joining layer, the polyethylene layer, and the COC layer, has a layer thickness in the range from about 7 μm to about 15 μm , and wherein the thickness values of said layers, referred to the thinnest of said layers, differ by no more than 15%.

New Independent claim 58 mirrors claim 57, however it requires the presence of a a layer made of at least one of a paper and a plastic on its outermost face.

Accordingly, it is respectfully submitted when the entire teachings of the cited references are taken into consideration, the recited invention of claims 38, 42, 57 and 58 patentably distinguish the prior art. KSR International Co. v. Teleflex Inc., 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007).

Moreover, it is respectfully submitted that the dependent claims 40-63 further patentably distinguish the prior art and are allowable as is outlined above.

Claims 16-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Torradas in view of Toft.

It is respectfully submitted that new claims 38-42 (former claims 16-21) patentably distinguish Torradas and Toft.

As is discussed in greater detail above, while the cited references may disclose that certain recited materials exist, that is the extent of the teaching. The invention of this application relates to a specific arrangement of layers in a specific order that creates special properties that were not recognized or known before this application was filed. The specific arrangement of layers in the specific order recited in the claims of this application is not taught in the cited references.

Torradas teaches a multilayered film. However Torradas lacks any teaching that a film utilizing metallocene polyethylene in the polyethylene layer is in between the COC layer and the acrylic acid-containing joining layer as is recited in claim 38. There is no teaching in the prior art for this combination of layers. Conversely, the cited references teach away from the combination required to obtain the multilayer barrier of claim 38 from the teachings of the prior art.

Toft fails to overcome the shortcomings in Torradas like it fails to overcome the shortcomings in Osborn. As is discussed in greater detail above, the adhesive layer of EAA is not such a layer. Conversely, paragraph [0081] of Toft identifies item 15-1 as an adhesive part-layer comprising an adhesive polymer, whereas this adhesive part-layer according to [0083] of Toft is a maleic-anhydride graft modified LLDPE, which is completely different from EAA (ethylene acrylic acid).

As discussed in greater detail above, Toft actually teaches away from the invention of this application wherein it recommends the use of metallocene polyethylenes for the use of innermost layers in packaging laminates, which explains the alleged clarity, antiblocking and sealing properties which are only relevant for an exposed layer, but not for intermediate layers as is the case in the subject-matter of the recited invention.

There is no teaching in the cited references as to why a skilled artisan would use a metallocene-PE containing polyethylene layer to establish an enhanced bond between an exposed COC layer and a metal layer through an EAA layer, based on the recommendation to use metallocene polyethylenes as innermost layers.

Accordingly, it is respectfully submitted that claim 38 patentably distinguishes the cited references and that claims 39-42 further patentably distinguish the cited references.

Claims 22-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Torradas and Toft, as applied to claims 16-21, in view of Osborn et al. (US 2015/0225151 A1).

The subject matter of new claims 44-49, 55, 56, 58 and 63 covers the subject matter of earlier claims 22-34 and are dependent from claim 38 and patentably distinguish the cited references for at least the same reasons. As is discussed in greater detail above, Torradas, Toft and Osborn fail to disclose the specific arrangement of layers in a specific order that creates special properties that were not recognized or known before this application was filed. Accordingly, it is respectfully submitted that claims 44-49, 55-58 and 63 are in condition for allowance wherein reconsideration and allowance is respectfully requested.

Claims 16-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toft et al. (US 2005/0181154 A1) in view of Osborn and Torradas.

The subject matter of new claims 38-63 covers the subject matter of earlier claims 16-34. As is discussed in greater detail above, Torradas, Toft and Osborn (individually or in any combination) fail to disclose the specific arrangement of layers in a specific order that creates special properties that were not recognized or known before this application was filed. Accordingly, it is respectfully submitted that claims 38-63 (former claims 16-34) are in condition for allowance wherein reconsideration and allowance is respectfully requested.

It is respectfully submitted that the prior art fails to disclose or make obvious the recited invention of this application. The invention of this application relates to a specific arrangement of layers in a specific order that creates special properties that were not recognized or known before this application was filed. While the prior art discloses many

different types of materials, the prior art fails to disclose or make obvious the recited arrangement of layers. Moreover, the prior art fails to teach the significance or the understanding associated with the specific arrangement of layers wherein the pending claims patentably distinguish the prior art. Further, the cited references fail to disclose all claim limitations wherein the claim is not obvious. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Accordingly, reconsideration and allowance of all pending claims is respectfully requested.

Examiner's Consideration of Declarations

Applicant has filed Declarations of Inventor Manuella Herb, with the responses to the first two Office Actions. In the Office Action mailed 7 April 2022, the Examiner's consideration of the second Declaration consisted of the following: "[t]he declaration ... is insufficient to overcome the rejections of pending claims... because: all argument [sic] based on the prior art with regard to m-PE vs. PE are addresses [sic] above."

While the undersigned appreciates the detailed analysis of the prior art covering some fourteen pages, the Declaration was not fully considered.

As noted in the Declaration, section 11, "metallocene C8 and LDPE, as is recited in the claims, increases the ties (lamination forces) between the polyethylene layer and the COC-layer to such an extent that, with the same laboratory equipment that allows for a rather easy delamination of the COC-layer from the neighboring regular LDPE-layer, the COC-layer cannot be delaminated from the metallocene C8 LLDPE layer without destroying the multilayer structure as such. In other words, the adhesion between metallocene C8 LDPE-layer and a COC-layer is significantly greater than the cohesion of the respective material within each layer."

It is respectfully submitted that each issue raised in the above-identified Office Action has been addressed by this amendment wherein reconsideration and allowance is respectfully requested. However, it is noted that the arguments raised in this response

address certain patentably distinct features of the invention of this application, but these are not to be construed as the only patentably distinct features. Moreover, while Applicant has focused on only certain patentably distinguishing features of the independent and dependent claims in the interest of brevity, this is not to be construed as limiting the patentably distinguishing features or to give any features more weight over other features. Accordingly, reconsideration and allowance is respectfully requested in view of this amendment.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. TRO-45953.

Respectfully submitted,

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