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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/586,198	09/18/2009	James Jeffries Harrison	D-3298	8166
33197	7590	09/02/2020	EXAMINER	
STOUT, UXA & BUYAN, LLP 23461 South Pointe Drive Suite 120 Laguna Hills, CA 92653			OLADAPO, TAIWO	
			ART UNIT	PAPER NUMBER
			1771	
			MAIL DATE	DELIVERY MODE
			09/02/2020	PAPER

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JAMES JEFFRIES HARRISON and  
GUILLERMO HERNANDEZ

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Appeal 2019-006090  
Application 12/586,198  
Technology Center 1700

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Before ROMULO H. DELMENDO, JEFFREY B. ROBERTSON, and  
RAE LYNN P. GUEST, *Administrative Patent Judges*.

DELMENDO, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from the Primary Examiner’s final decision to reject claims 43–66.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We affirm in part.

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<sup>1</sup> We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42—i.e., the Inventors (Application Data Sheet filed September 18, 2009). The Appellant identifies “Innospec, Inc.” as the real party in interest (Amended (Substitute) Appeal Brief filed May 15, 2019 (“Appeal Br.”) at 1).

<sup>2</sup> *See* Appeal Br. 5–47; Reply Brief filed August 13, 2019 (“Reply Br.”) at 5–23; Final Office Action entered March 5, 2018 (“Final Act.”) at 3–23; Examiner’s Answer entered June 13, 2019 (“Ans.”) at 3–39.

## I. BACKGROUND

The subject matter on appeal relates to clear, washable bi- or multi-phasic lubricant compositions, such as personal lubricants, skin conditioners, or shaving fluids (Specification filed September 18, 2009 (“Spec.”) at 1, ll. 15–18). Representative claim 43 is reproduced from the Claims Appendix to the Appeal Brief, as follows:

43. A lubricant composition comprising two substantially immiscible phases comprising:

a) a flowable aqueous phase, consisting of a first volume containing water-miscible components, said water miscible components comprising water, a viscous hydrophilic polymer component, and *a water-miscible glycol refractive index adjusting agent*; said aqueous phase having a first refractive index resulting from the combined refractive indices of each of the water-miscible components; and

b) a flowable hydrophobic phase, consisting of a second volume containing one or more hydrophobic components, said one or more hydrophobic components including a viscous hydrophobic silicone polymer component, said flowable hydrophobic phase having a second refractive index resulting from the combined refractive indices of each of the one or more hydrophobic components;

*wherein sufficient amounts of water and the water-miscible glycol refractive index adjusting agent are present in the flowable aqueous phase to cause the first refractive index to substantially match the second refractive index;*

*wherein the composition is non-irritating to the skin, and when said composition is tested by rubbing the composition into cotton fabric, permitted to dry, then washed in warm water using a standard laundry detergent on a normal cycle and air dried, said composition is substantially non-staining as compared to an otherwise identical composition lacking the at least one hydrophilic component and tested in the same manner.*

(Appeal Br. 48 (not paginated; emphases added)).

## II. REJECTIONS ON APPEAL

The claims on appeal stand rejected as follows:

- A. Claims 46–66 under pre-AIA 35 U.S.C. § 112, ¶ 2, as indefinite;<sup>3</sup>
- B. Claims 43–45, 47–51, 53–58, 60–62, and 64–66 under 35 U.S.C. § 103(a) as unpatentable over Brown et al.<sup>4</sup> (“Brown”) in view of Lorant et al.<sup>5</sup> (“Lorant”);
- C. Claims 43–62 and 64–66 under 35 U.S.C. § 103(a) as unpatentable over Brown in view of Rosevear et al.<sup>6</sup> (“Rosevear”);
- D. Claims 43, 44, 47–51, 53–58, 60–62, and 64–66 under 35 U.S.C. § 103(a) as unpatentable over Lorant; and

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<sup>3</sup> In the Answer, the Examiner withdraws the rejection of claim 43 and 58 under 35 U.S.C. § 112, ¶ 2, that were entered on the bases that “viscous” and “one or more water miscible components,” respectively, make the claims indefinite (Ans. 19). With respect to the remaining bases for maintaining the rejection, the Appellant observes that the terms at issue, “normal” and “standard,” do not appear in claim 46, which depends from claim 43, but rather in claim 43 itself, and, therefore, presumes that claims 43–66 were intended to be listed as the claims rejected on this ground (Appeal Br. 7). The Examiner does not correct the rejection in the Answer (Ans. 3), but, indeed, acknowledges that the terminology at issue is present in claim 43 (*id.* at 20). Claim 46 depends from claim 43 and, therefore, incorporates the allegedly offending limitations at issue. Consequently, indefiniteness as to dependent claim 46, if proven, would necessarily implicate indefiniteness for independent claim 43.

<sup>4</sup> US 2008/0152681 A1, published June 26, 2008.

<sup>5</sup> US 6,419,909 B1, issued July 16, 2002.

<sup>6</sup> US 2005/0163730 A1, published July 28, 2005.

E. Claims 45, 46, 52, and 59 under 35 U.S.C. § 103(a) as unpatentable over Lorant in view of Maes et al.<sup>7</sup> (“Maes”). (Ans. 3–39; Final Act. 3–23).

### III. DISCUSSION

**Rejection A (Indefiniteness: Claims 46–66).** The Examiner states that claims 46–66 are indefinite because the term “normal” or “standard” in the recitations “normal cycle,” “normal laundry conditions,” or “standard laundry detergent” is arbitrary (Ans. 3; Final Act. 3).

The Appellant contends that the phrase “normal cycle” in the context of claim 43 (“washed in warm water using a standard laundry detergent on a normal cycle”) has a specific meaning in the art, because “[a] person of ordinary skill in the art is aware tha[t] most washing machines have a setting in the controls labeled a ‘normal’ cycle (sometimes called a ‘standard’ or ‘cotton’ cycle)” and that it “has an objective meaning indicating that the cycle is somewhat more harsh than the ‘delicate’ (i.e., low speed) cycle [or permanent press cycle]” (Appeal Br. 7–8). The Appellant argues that, similarly, “a person of ordinary skill in the art would clearly understand that the phrase ‘standard laundry detergent’ clearly indicates that the detergent to be used is any detergent that is ordinary, regular or typical” (*id.* at 8).

In the Response to Argument section of the Answer, the Examiner adds:

*[I]t is noted that the term “warm” is a relative terminology that would vary from a person of ordinary skill in the art to another. Appellant argues that “normal cycle” are [sic] understood by persons of ordinary skill in the art as being any*

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<sup>7</sup> US 2009/0035242 A1, published February 5, 2009.

cycle of washing that is different from “delicate cycle” or “permanent press cycle” setting on typical washing machine.

The problem with appellant’s definition is that it is solely directed to washing cycles of “washing machines” and particularly “typical washing machines” for that matter. The claims do not specifically require use of washing machines, nor recite that “normal cycle” is specifically directed to washing using washing machines and particularly washing using “typical washing machines”. Thus, arguably, *any non-conventional means of washing are within the purview of the claim*, and the terms “warm”, “normal cycle” could be much different than those of typical washing machines.

Appellant argues that term “standard” is defined as having no special or unusual features, ordinary, regular or typical and thus “standard laundry detergent” would be known to [sic] persons of ordinary skill in the art as being any typical laundry detergent. *However, the term is vague because any laundry detergent could be considered by some persons of ordinary skill in the art as being non-special, usual, regular or typical thus making the term vague. Also, laundry detergents that are standard or typical or usual or ordinary in one region or locality could be non-standard, unusual, or atypical in another region or locality or to other persons of ordinary skill in the art practicing the invention.*

(Ans. 20–21 (emphases added)).

It is well-settled that claims are not to be read in a vacuum but, rather, limitations therein must be interpreted in light of the remainder of the specification in giving them their broadest reasonable interpretations. *See, e.g., In re Marosi*, 710 F.2d 799, 802 (Fed. Cir. 1983).

Because the rejection does not apply this principle, we concur with the Appellant that the rejection cannot stand. When read in light of the Specification (e.g., Spec. at 55, ll. 13–15 (“The fabric was then washed with warm water using a standard laundry detergent on a normal cycle setting.”)), we conclude that the terms “normal” and “standard,” in their current

contexts of the claimed subject matter as whole, would not have rendered the claims to be indefinite because a person of ordinary skill in the art would have understood that the Inventors were referring to common washing machines and ordinary detergents. *Hearing Components, Inc. v. Shure Inc.*, 600 F.3d 1357, 1367 (Fed. Cir. 2010) (“Not all terms of degree are indefinite. However, the specification must ‘provide[] some standard for measuring that degree.’”) (internal citation omitted).

To the extent that variations may exist in “normal cycle[s]” or “standard laundry detergent[s]” in the art, 35 U.S.C. § 112, ¶ 2, does not demand the type of precision that the Examiner appears to require. *In re Packard*, 751 F.3d 1307, 1313 (Fed. Cir. 2014) (“This requirement [in 35 U.S.C. § 112, ¶ 2,] is not a demand for unreasonable precision.”). That is, the fact that a claim may cover many variations within its scope does not, in and of itself, warrant an indefiniteness rejection. *See Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986) (“The patent law does not require that all possible lengths corresponding to the spaces in hundreds of different automobiles be listed in the patent, let alone that they be listed in the claims.”); *In re Gardner*, 427 F.2d 786, 788 (CCPA 1970) (“Breadth is not indefiniteness.”).

For these reasons, we do not sustain Rejection A.

**Rejection B (Obviousness Over Brown in View of Lorant: Claims 43–45, 47–51, 53–58, 60–62, & 64–66).** Unless separately argued within the meaning of 37 C.F.R. § 41.37(c)(1)(iv), all claims subject to Rejection B stand or fall with claim 43, which we select as representative pursuant to the rule. In this regard, merely pointing out what a claim recites or arguing skeletally that a prior art reference does not disclose or suggest a claim

limitation is not an argument in support of separate patentability. *In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (“[W]e hold that the Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art.”).

Turning to the merits with respect to claim 43, the Examiner finds that Brown describes a cosmetic composition in the form of an oil-in-water emulsion (i.e., an emulsion having two immiscible phases) containing a fractal particle-based gel and refractive index-matching polymers to form a composition with optical blurring and space-filling properties for improving the surface appearance of biological substrates such as skin and lips (Ans. 4–5; Final Act. 5–6). According to the Examiner, Brown teaches these compositions as transparent and/or translucent, and, therefore, the refractive indices of the compositions’ components would be similar (i.e., matched) (Ans. 5). Additionally, the Examiner finds that “all of the silicone hydrophobic polymers and glycol hydrophilic polymers have refractive indices that are matching as shown in [Brown’s] [T]able 2” (*id.* (bolding removed)). As to whether the composition is washable in the manner as recited in claim 43, the Examiner finds that the prior art composition would be expected to be washable from fabrics using standard laundry detergents under a normal cycle because the composition comprises similar ingredients as those disclosed for the claimed composition (*id.* at 6).

The Examiner relies on Lorant to demonstrate that the specific hydrophilic polymers disclosed in the current Specification are known thickeners for cosmetic compositions similar to those disclosed in Brown, and that, therefore, a person having ordinary skill in the art would have

found it obvious to incorporate them in Brown because Brown allows for the use of hydrophilic thickeners (Ans. 8; Final Act. 7).

The Appellant's principal argument is that the Examiner's rejection lacks an articulated reasoning with some rational underpinning because it "fail[s] entirely to distinguish between the 'components of the composition' such as the fractal particles and RIMPs [refractive index matching polymers] of Brown and the flowable hydrophobic phase and the flowable aqueous phase of Claim 43" (Appeal Br. 12–13). According to the Appellant, Brown teaches using a RIMP having the same refractive index as the fractal particles rather than matching the refractive index of a flowable hydrophobic phase containing a silicone polymer with a hydrophilic phase containing a hydrophilic polymer by adding sufficient amounts of water and a water-miscible glycol adjusting agent to the hydrophilic phase, as required by claim 43 (*id.* at 13).

We have fully considered the Appellant's argument but find that the argument fails to identify reversible error in the Examiner's rejection. *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011).

As the Examiner correctly finds, Brown describes a cosmetic composition for providing optical blurring and space filling effects on biological substrates such as skin and lips to improve surface appearance (Brown ¶ 1). Brown teaches that the cosmetic composition may be in the form of an oil-in-water emulsion, which would include two immiscible aqueous and oil phases, comprising a fractal particle-based gel and refractive index matching polymers with respect to the fractal particles such that the refractive index matched particles become "invisible" or "optically transparent" (*id.* ¶¶ 11–12, 66, 76; Abstract). According to Brown, the

composition “fills in fine lines and wrinkles and diffuses reflected and transmitted light *while maintaining high transparency*” (*id.* ¶ 67 (emphasis added)). Brown further teaches that one or more refractive index matching polymers may be distributed between the fractal gel phase and another phase in an emulsion system and may be selected from, e.g., methyl phenyl silicone fluid (F-5w 100 cs) (refractive index = 1.427) or phenyl trimethicone (refractive index = 1.460) and diethylene glycol mono ethyl ether (refractive index = 1.427), propylene glycol (refractive index = 1.441), or glycerol (refractive index = 1.472) (*id.* ¶¶ 71–72 (Table 2)), respectively.<sup>8</sup> Thus, Brown discloses hydrophilic components including glycol compounds having refractive indices that are “[s]ubstantially identical,” as defined in the current Specification (Spec. at 23, ll. 23–28; dependent claim 44 (Appeal Br. 48)), to the refractive indices of the hydrophobic components including hydrophobic silicone polymers.

As stated above, the Appellant argues that Brown teaches using a RIMP having the same refractive index as the fractal particles rather than matching the refractive index of a flowable hydrophobic phase containing a silicone polymer with a hydrophilic phase containing a hydrophilic polymer by adding sufficient amounts of water and a water-miscible glycol adjusting agent to the hydrophilic phase, as required by claim 43 (*id.* at 13). But Brown also teaches that amounts of water and a glycol are present in or added to the formulation to provide, in combination with an oil (hydrophobic) phase, a highly transparent composition in which the refractive indices must necessarily be substantially matched for high

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<sup>8</sup> Compare with, e.g., Specification at 8, ll. 4–12; 11, l. 25–12, l. 2; 14, ll. 6–10; dependent claims 45, 47, and 48 (Appeal Br. 48–49).

transparency (Brown ¶¶ 11–12, 66–67, 71–72 (Table 2), 76). Thus, Brown teaches the limitations “wherein sufficient amounts of water and the water-miscible glycol refractive index adjusting agent are present in the flowable aqueous phase to cause the first refractive index to substantially match the second refractive index,” as recited in claim 43. The fact that Brown teaches matching the refractive indices of the fractal particles and the RIMP is of no moment, because claim 43 does not exclude fractal particles that are also matched with the RIMP in terms of refractive index. *Cf. In re Baxter*, 656 F.2d 679, 686 (CCPA 1981) (“As long as one of the monomers in the reaction is propylene, any other monomer may be present, because the term ‘compris[ing]’ permits the *inclusion* of other steps, elements, or materials.”).

Under these circumstances, we discern no reversible error in the Examiner’s articulated reasoning that a person having ordinary skill in the art would have been prompted to formulate an aqueous phase that includes a glycol component that has the same or substantially identical refractive index as that of the oil phase that contains a hydrophobic silicone polymer-containing component, thus resulting in a composition with “high transparency” as explicitly disclosed in Brown (Brown ¶ 67). Again, the fact that Brown teaches a highly transparent composition supports the Examiner’s determination (Ans. 5) that the refractive indices of all phases in the composition would be matched, as required in claim 43. *In re Best*, 562 F.2d 1252, 1255 (CCPA 1977).

Additionally, in view of the structural similarities between Brown’s compositions and the claimed composition, it would reasonably appear that Brown’s composition would be washable in the manner as required by claim 43, especially given the fact that claim 43 reads on compositions that meet

this limitation when tested using *any* conventional washing machine, including those with relatively vigorous “normal cycles” operated with relatively superior standard laundry detergents for tough dirt or stain removal. The Appellant fails to direct us to persuasive evidence to show the contrary.<sup>9</sup> *Id. See also In re Dillon*, 919 F.2d 688, 693 (Fed. Cir. 1990) (en banc) (explaining that, in certain circumstances, it is not necessary that both a structural similarity between a claimed and prior art composition be shown and that there be a suggestion or expectation from the prior art that the claimed composition will have the same or a similar property as one newly discovered by the applicant).

The Appellant argues that Brown’s fractal particles are insoluble in the oil-in-water emulsion (Appeal Br. 14). But, consistent with the Examiner’s position (Ans. 22–23), that does not negate Brown’s teaching that the overall composition is highly transparent, as we found above. Again, claim 43 does not exclude the presence of fractal particles in addition to the aqueous phase and the hydrophobic phase. *Cf. Baxter*, 656 F.2d at 686.

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<sup>9</sup> The Appellant argues that “the present [S]pecification provides evidence in Example 2, pages 54–56, belying the Examiner[’s] assertions that the presently claimed compositions containing a silicone hydrophobic phase ‘would be’ washable from fabric under normal washing conditions” (Appeal Br. 22–23). As the Examiner correctly finds (Ans. 28), Example 2 of the Specification does not compare the claimed invention against the closest prior art, which is either Brown or Lorant and, therefore, is ineffective. *In re Baxter Travenol Labs.*, 952 F.2d 388, 392 (Fed. Cir. 1991) (“[W]hen unexpected results are used as evidence of nonobviousness, the results must be shown to be unexpected compared with the closest prior art. . . . Mere recognition of latent properties in the prior art does not render nonobvious an otherwise known invention.”).

The Appellant also argues that “there is no indication that [Brown’s] composition itself is transparent as a flowable emulsion” but “rather, [that] it is when the composition forms a thin film on the skin that the word ‘transparency’ is used” (Appeal Br. 18). But as the Appellant concedes (Appeal Br. 18), the claims do not require the compositions to be transparent or translucent. Here, Brown teaches that the refractive index of the fractal particles are matched to the refractive index matching polymers such that the particles are “less optically apparent to the observer,” which would indicate that *all* phases of the composition, including the solid phase, are matched in terms of refractive index (Brown ¶¶ 66–67). That satisfies the limitations recited in claim 43. Although the Appellant argues that Brown’s disclosure of transparency is unique to its placement on the underlying skin substrate and not that the composition itself is transparent (Appeal Brief 18), the Appellant’s proffered technical explanation is insufficient to support such an allegation. If a composition is highly transparent with respect to skin, as explicitly disclosed in Brown, it would reasonably appear that the composition would be transparent when applied to any substrate or to itself.

The Appellant argues that Lorant teaches away from the claimed subject matter because it discourages a person having ordinary skill in the art from using glycols or glycerol to increase the refractive index of an aqueous phase so as to bring its refractive index closer to the fatty phase (Appeal Br. 19–20). This argument is unpersuasive.

In discussing earlier prior art, Lorant teaches that “[a] process has . . . been proposed which consists in increasing the refractive index of the aqueous phase by adding glycol or glycerol, so as to bring its refractive index closer to that of the fatty phase” (Lorant col. 1, ll. 46–49), which is the

same technique used to produce the claimed composition. Lorant states, however, that “this process requires the addition of an often large proportion of glycol or glycerol and the emulsions thus obtained have genuinely unpleasant aspects such as a sticky cosmetic feel, as well as problems of discomfort when they are applied” (*id.* at col. 1, ll. 49–53). Thus, to the extent that such a technique results in a composition that has a “sticky cosmetic feel” and “problems of discomfort when they are applied,” the Appellant fails to direct us to evidence that the invention recited in claim 43 is free from such disadvantages. *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994) (“Even reading [the prior art]’s description as discouraging use of epoxy for this purpose, Gurley asserted no discovery beyond what was known to the art.”); *In re Fulton*, 391 F.3d 1195, 1200 (Fed. Cir. 2004) (“[C]ase law does not require that a particular combination must be the preferred, or the most desirable, combination described in the prior art in order to provide [the] motivation [or reason] for the current invention.”).

Moreover, although Lorant teaches overcoming the problems of the prior art by reducing the refractive index of the fatty phase to be substantially equal to that of the aqueous phase by using a miscible volatile fluoro compound with a refractive index of less than or equal to 1.3 (Lorant col. 1, l. 66–col. 2, l. 4), which claim 43 does not exclude, it also teaches using glycols (*id.* at col. 8, l. 44–col. 9, l. 7 (Example 3)), as the Examiner points out (Ans. 16–17). By their presence in the aqueous phase, the glycols would necessarily function as a “refractive index adjusting agent,” as recited in claim 43. *Dillon*, 919 F.2d at 697 (“[A] compound and all of its properties are inseparable.”) (citing *In re Papesch*, 315 F.2d 381, 391 (CCPA 1963)).

For these reasons, we uphold the Examiner’s rejection as maintained against claim 43.

With respect to claim 49, which recites that the composition is “effective as a sexual lubricant” and “has a coefficient of friction less than that of water and greater than that of glass” (Appeal Br. 49–50), the Appellant argues further that “[a] sexual lubricant must, by definition, be sufficiently lubricious to cushion skin surfaces from frictional irritation, particularly over a period of time during which surfaces may be in contact” and “must be non-irritating to an extent far beyond that of, for example, a simple facial cosmetic” (*id.* at 27). But even if the Appellant’s alleged definitions are supported by objective evidence, which they are not, the Appellant offers no comparative experimental evidence that Brown’s or Lorant’s compositions, which contain the same ingredients disclosed for the claimed composition and may be formulated into various creams, gels, pastes, and lotions (Brown ¶ 83; Lorant at col. 1, ll. 22–25), would be unsuitable as a sexual lubricant or have a coefficient of friction outside the range recited in claim 49. The fairness in shifting the burden of production to the Appellant is evidenced by the PTO’s inability to manufacture or obtain products, let alone compare products. *Best*, 562 F.2d at 1255.

The Appellant’s arguments in support of the other claims subject to Rejection B have already been addressed above. Accordingly, we sustain Rejection B.

**Rejection C (Obviousness Over Brown in View of Rosevear: Claims 43–62 & 64–66).** The Appellant’s arguments against Rejection C are substantially the same as that offered against Rejections B (Appeal Br. 30–36), supplemented by the further assertion that “[t]he mere addition of a

Markush group of specified hydrophilic polymers disclosed by Rosevear (which describes a completely different type of composition than the claimed lubricant composition) does not cause the combination of Brown and Rosevear to render this lubricant composition obvious” (*id.* at 35). Therefore, we uphold Rejection C for the substantially the same reasons discussed above for Rejection B. Regarding Rosevear, the Appellant’s attack on Rosevear fails to consider the collective teachings of Brown and Rosevear, as the Examiner points out (Ans. 32). *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

As for the Appellant’s argument that the Examiner’s rationale for combining Brown and Rosevear is conclusory (Appeal Br. 35), we disagree. The rationale is properly rooted in the principle that “[w]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

Regarding claim 49, the Appellant notes that “the Examiner simply repeats his grounds of rejection of Claim 49 over Brown and Lorant” (Appeal Br. 33). Although the Examiner does not include Lorant in the statement of the rejection (Ans. 10; Final Act. 9), we discern no reversible error in the Examiner’s analysis as far as Brown’s teachings are concerned (Ans. 15; Final Act. 13).

**Rejection D (Obviousness Over Lorant: Claims 43, 44, 47–51, 53–58, 60–62, & 64–66).** The Appellant’s arguments against Rejection D have already been addressed above (Appeal Br. 37–42). Therefore, we sustain Rejection D for many of the same reasons discussed above in Rejection B.

**Rejection E (Obviousness Over Lorant in View of Maes: Claims 45, 46, 52, & 59).** Again, the Appellant’s arguments against Rejection E are substantially the same as that offered against Lorant above (Appeal Br. 42–46), adding only that “Maes does not discuss adjusting the refractive indices of an aqueous or silicone phase” (*id.* at 43). As discussed above, however, Lorant teaches the same or substantially similar composition as recited in the claims. Therefore, we also uphold Rejection E.

IV. CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
46–66	112, ¶ 2	Indefiniteness		46–66
43–45, 47–51, 53–58, 60–62, 64–66	103(a)	Brown, Lorant	43–45, 47–51, 53–58, 60–62, 64–66	
43–62, 64–66	103(a)	Brown, Rosevear	43–62, 64–66	
43, 44, 47–51, 53–58, 60–62, 64–66	103(a)	Lorant	43, 44, 47–51, 53–58, 60–62, 64–66	
45, 46, 52, 59	103(a)	Lorant, Maes	45, 46, 52, 59	
<b>Overall Outcome</b>			<b>43–62, 64–66</b>	<b>63</b>

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART