This application has been examined. Responsive to communication filed on 2-15-91. This action is made final.

A shortened statutory period for response to this action is set to expire 30 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. □ Notice of References Cited by Examiner, PTO-892.
4. □ Notice of Informal Patent Application, Form PTO-152
5. □ Information on How to Effect Drawing Changes, PTO-1474.
6. □

Part II SUMMARY OF ACTION

1. □ Claims ______ are pending in the application.
   Of the above, claims ______ are withdrawn from consideration.

2. □ Claims ______ have been cancelled.
3. □ Claims ______ are allowed.
4. □ Claims ______ are rejected.
5. □ Claims ______ are objected to.
6. □ Claims ______ are subject to restriction or election requirement.

7. □ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. □ Formal drawings are required in response to this Office action.
9. □ The corrected or substitute drawings have been received on ______. Under 37 C.F.R. 1.84 these drawings are □ acceptable; □ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. □ The proposed additional or substitute sheet(s) of drawings, filed on ______, has (have) been □ approved by the examiner; □ disapproved by the examiner (see explanation).
11. □ The proposed drawing correction, filed ______, has been □ approved; □ disapproved (see explanation).
12. □ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has □ been received □ not been received □ filed in parent application, serial no. ______; filed on ______
13. □ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. □ Other
Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-23, 25, drawn to state changeable memory alloy, classified in Class 420, subclass 579.

II. Claim 24, drawn to an optical memory device with memory, classified in Class 428, subclass 544+.

The inventions are distinct, each from the other because of the following reasons:

Inventions group II and group I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination as claimed can use other, beam induced phase change alloy such as Cu-Al-Fe/Mn/Ni alloy. The subcombination has separate utility such as photoreceptor.

Because these inventions are distinct for the reasons given above and as shown by the above different classifications, the fields of search are not co-extensive and separate examination
would be required, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. Roy whose telephone number is (703) 308-1104.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

U. Roy:rg
June 20, 1991