

EXAMINER'S AMENDMENT

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 a telephone interview with Sean Myers-Payne on 3 December 2009.

The application has been amended as follows:

Please cancel claims 13, 15 & 17, confirmation for their cancellation was given by the above stated practitioner.

The following is an examiner's statement of reasons for allowance: None of the cited prior art, either alone or in combination discloses or reasonably suggests formation of a slurry from a mixture of either phosphorous oxide (phosphorous suboxide, diphosphorous trioxide, diphosphorus tetraoxide or diphosphorus pentoxide) or triethyl phosphate and a calcium containing substance (such as calcium hydroxyapatite) which is crystallized from an amorphous state after the slurry is heated. The closest prior art, Bouyer, does states that the phosphorus source is phosphoric acid which is not an inherent quality or functional equivalent of the recited phosphorus oxides. Other cited art lacks the same features. Newly supplied art of US PG Pub No. 20030138673 fails to disclose production of a calcium-phosphate species, Instead being drawn to aluminum-phosphate production and nor are the reagents molten. US Patent No. 4836994 fails to

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disclose any of the instantly claimed phosphor species. Accordingly, claims 1, 3-12, 14, 16, 18 and 19 are considered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Rump whose telephone number is (571) 270-5848. The examiner can normally be reached on Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571)272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M. R./
Examiner, Art Unit 1793

/Stuart Hendrickson/
Primary Examiner, Art Unit 1793