Q is a member selected from the group consisting of CH and N; and
L is a member selected from the group consisting of lower alkyl, which is optionally substituted with up to 3 substituents each independently selected from the group consisting of halo, cyano, hydroxy, isothiocyanato, lower alkylxy, aryl, aryloxy, arylthio, arylsulfonyl, amino; lower alkenyl; and aryllower alkenyl; wherein aryl as used in the foregoing definitions, is a member selected from the group consisting of phenyl, substituted phenyl, naphthalenyl, thiienyl, halothienyl, (lower alkyl)thienyl, pyridinyl, mono- and di(lower alkylxy)pyridinyl, furanyl and 1- (lower alkyl)pyrrolyl; wherein said substituted phenyl is phenyl having from 1 to 3 substituents each independently selected from the group consisting of halo, hydroxy, nitro, cyano, trifluoromethyl, lower alkyl, lower alkylthio, lower alkylsulfonyl, lower alkylsulfonyllower alkyl, phenylnlower alkylsulfonyl, phenylsulfonyllower alkyl, amino, mono- and di-(lower alkyl)amino, lower alkanoyl, a radical of the formula R^6-C_H2_p-O_, wherein
p is an integer of from 1 to 6 inclusive; and
R^6 is a member selected from the group consisting of hydrogen, amino, cyano, phenyl, aminocarbonyl, mono- and di(lower alkyl)-aminocarbonyl, lower alkylxycarbonyl, ph penyllower alkylxycarbonyl, 4-morpholinylcarbonyl, 1-piperidinylcarbonyl and 1-pyrrolidinylcarbonyl, and
a radical of the formula R^7-O-, wherein
R^7 is a member selected from the group consisting of alkanoyl, phenylcarbonyl, phenyllower alkylcarbonyl, lower alkylxycarbonyl, phenyllower alkylxycarbonyl, aminocarbonyl, phenylaminocarbonyl, mono-
and di-(lower alkyl)aminocarbonyl,
wherein said phenyl in the definition
of said \( R^7 \) may be optionally substituted
with up to 3 substituents each independently selected from the group consisting of halo, cyano, nitro, lower alkyl and lower alkyloxy.

18. An antihistaminic pharmaceutical composition comprising an inert carrier material and as an active ingredient an effective antihistaminic amount of a chemical compound selected from the group consisting of a \( \text{N-heterocyclyl-4-piperidinamine} \) having the formula

\[
\begin{array}{c}
\text{N} \\
\text{N} \\
\text{R} \\
\text{R}^1 \\
\text{R}^2 \\
\text{Q} \\
\end{array}
\]

and the pharmaceutically acceptable acid addition salts thereof, wherein
\( R \) is a member selected from the group consisting of hydrogen and lower alkyl;
\( R^1 \) is a member selected from the group consisting of hydrogen, lower alkyl, cycloalkyl, aryl(lower alkyl) and lower alkanoyl;
\( R^2 \) is a member selected from the group consisting of hydrogen, alkyl having from 1 to 10 carbon atoms, aryl, cycloalkyl and mono- and diaryl(lower alkyl);
\( R^3 \) is a member independently selected from the group consisting of halo, lower alkyl, lower alkyloxy, trifluoromethyl;
\( n \) is an integer of from 0 to 2 inclusive;
\( Q \) is a member selected from the group consisting of CH and N; and
\( L \) is a member selected from the group consisting of lower alkyl,
which is optionally substituted with up to 3 substituents each independently selected from the group consisting of halo, cyano, hydroxy, isothiocyanato, lower alkylxy, aryl, aryloxy, arylthio, arylsulfonyl, amino; lower alkenyl and aryllower alkenyl; wherein aryl as used in the foregoing definitions, is a member selected from the group consisting of phenyl, substituted phenyl, naphthalenyl, thiényl, halothenyl, (lower alkyl)thiényl, pyridinyln, mono- and di(lower alklyoxy)pyridinyln, furanyl and 1-(lower alkyl)pyrrolyl; wherein said substituted phenyl is phenyl having from 1 to 3 substituents each independently selected from the group consisting of halo, hydroxy, nitro, cyano, trifluoromethyl, lower alkyl, lower alkylthio, lower alkylsulfonyl, lower alkylsulfonyllower alkyl, phenyllower alkylsulfonyl, phenyllower alkylsulfonyllower alkyl, amino, mono- and di-(lower alkyl)-amino, lower alkanoyl, a radical of the formula \( \text{R}^6 \text{-C}_2 \text{H}_2 \text{p-O-} \), wherein

\[ p \text{ is an integer of from 1 to 6 inclusive; and} \]
\[ \text{R}^6 \text{ is a member selected from the group consisting of hydrogen, amino, cyano, phenyl, aminocarbonyl, mono- and di(lower alkyl)-aminocarbonyl, lower alkylxocarbonyl, phenyllower alkylxocarbonyl, 4-morpholinylcarbonyl, 1-piperidinylcarbonyl and 1-pyrrolidinylcarbonyl, lower alkenyl; and} \]
a radical of the formula \( \text{R}^7 \text{-O-} \), wherein
\[ \text{R}^7 \text{ is a member selected from the group consisting of alkanoyl, phenylcarbonyl, phenyllower alkylcarbonyl, lower alklyoxy-carbonyl, phenyllower alkylxocarbonyl, phenyllower alkylxocarbonyl, aminocarbonyl, phenylaminocarbonyl, mono- and di-(lower alkyl)aminocarbonyl,} \]
wherein said phenyl in the definition of said \( R^7 \) may be optionally substituted with up to 3 substituents each independently selected from the group consisting of halo, cyano, nitro, lower alkyl and lower alkyloxy.

19. A method to prevent the release of histamine in warm-blooded animals, which comprises the systemic administration to said animals of an effective antihistaminic amount of a chemical compound selected from the group consisting of a \( \text{N}^\circ \) heterocyclyl-4-piperidinamine having the formula

![Chemical Structure](image)

and the pharmaceutically acceptable acid addition salts thereof, wherein

- \( R \) is a member selected from the group consisting of hydrogen and lower alkyl;
- \( R^1 \) is a member selected from the group consisting of hydrogen, lower alkyl, cycloalkyl, aryllower alkyl and lower alkanoyl;
- \( R^2 \) is a member selected from the group consisting of hydrogen, alkyl having from 1 to 10 carbon atoms, aryl, cycloalkyl and mono- and diaryl(lower alkyl);
- \( R^3 \) is a member independently selected from the group consisting of halo, lower alkyl, lower alkyloxy, trifluoromethyl;
- \( n \) is an integer of from 0 to 2 inclusive;
- \( Q \) is a member selected from the group consisting of \( \text{CH} \) and \( \text{N} \); and
- \( L \) is a member selected from the group consisting of lower alkyl, which is optionally substituted with up to 3 substituents each
independently selected from the group consisting of halo, cyano, hydroxy, isothiocyanato, lower alkyloxy, aryl, aryloxy, arylthio, arylsulfonyl, amino; lower alkenyl; aryllower alkenyl; wherein aryl as used in the foregoing definitions, is a member selected from the group consisting of phenyl, substituted phenyl, naphthalenyl, thiényl, halothiényl, (lower alkyl)thiényl, pyridinyl, mono- and di(lower alkyloxy)pyridinyl, furanyl and 1-(lower alkyl)pyrrolyl; wherein said substituted phenyl is phenyl having from 1 to 3 substituents each independently selected from the group consisting of halo, hydroxy, nitro, cyano, trifluoromethyl, lower alkyl, lower alkylthio, lower alkylsulfonyl, lower alkylsulfonyl, lower alkyl, phenyllower alkylsulfonyl, phenylsulfonyl, lower alkyl, amino, mono- and di-(lower alkyl)amino, lower alkanoyl, a radical of the formula \( R^6-C_{p}H_{2p}-O- \), wherein

\( p \) is an integer of from 1 to 6 inclusive; and
\( R^6 \) is a member selected from the group consisting of hydrogen, amino, cyano, phenyl, aminocarbonyl, mono- and di(lower alkyl)-aminocarbonyl, lower alkylxycarbonyl, phenyllower alkylxycarbonyl, 4-morpholinylxycarbonyl, 1-piperidinylxycarbonyl and 1-pyrrolidinylxycarbonyl, lower alkenyl; and

a radical of the formula \( R^7-O- \), wherein

\( R^7 \) is a member selected from the group consisting of alkanoyl, phenylcarbonyl, phenyllower alkylcarbonyl, lower alkylxycarbonyl, phenyllower alkylxycarbonyl, aminocarbonyl, phenylaminocarbonyl, mono- and di-(lower alkyl)aminocarbonyl, wherein said phenyl in the definition of said \( R^7 \) may be optionally substituted with
decision will not support the Examiner's requirement for restriction. The Weber decision stands for the proposition that an Applicant has a right to have each claim examined on the merits and that he is allowed to claim the invention as he contemplates it. Thus, any PTO practice which forces an Applicant to divide a single claim into its component parts is improper.

Applicants recognize that the question of the "Improper Markush" rejection was not decided in Weber, but rather was remanded to the Board of Appeals for its consideration. However, the Examiner must recognize that the Court specifically stated that:

"...the result of any such consideration must be consistent with our analysis of Applicants' rights under the second paragraph of 35 USC 112."

In view of the holding of the Court that a rejection under Section 121 violates the basic right of the Applicant to claim his invention as he chooses, it is respectfully submitted that the Examiner's present requirement is improper. This impropriety is demonstrated by the fact that, although the Examiner nowhere refers to Section 121 by number, he nevertheless uses the "independent and distinct inventions" language from this Section as a reason for his requirement.

B. Other Decisions Cited by the Examiner

Far from being an "emergency procedure", Markush claims in pharmaceutical applications are now the accepted practice, and any reference by the Examiner to the "special kind of claim structure" discussed in 1925 in Ex parte Markush is clearly not relevant to the present situation. Indeed, claims containing generic formulas of the type now called "Markush" claims were