



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/313,551	12/06/2002	Volkmar Guenzler-Pukall	FP0600 US	8376

41385 7590 01/30/2006

FIBROGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
225 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

EXAMINER

SRIVASTAVA, KAILASH C

ART UNIT PAPER NUMBER

1655

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/313,551	Applicant(s) GUENZLER-PUKALL ET AL.	
	Examiner Dr. Kailash C. Srivastava	Art Unit 1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is 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.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 12-44 and 47-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5.6/8.14.03&7.2.04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit Location to which your application has been assigned at the United States Patent and Trademark Office (i.e., USPTO) has been changed to Art Unit 1655. The assigned Examiner is Dr. Kailash C. Srivastava. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Examiner Kailash C. Srivastava in Art Unit 1655.

2. Applicants' response and Preliminary Amendment filed 17 October 2005 to Office Action mailed 14 June 2005 is acknowledged and entered.

Claims Status

3. Claims 15 and 41-44 have been amended.

4. Claims 1-49 are pending.

5. According to applicants, Claims " 14 and 41-44" as amended in the Preliminary amendment filed 17 October 2005 depend from Claim 1. Examiner respectfully disagrees with the Applicants' contention because:

- a. as pointed *supra*, Applicants have amended Claims 15 and 41-44, not Claims 14 and 41-44; and
- b. Claims 15, 41-44 as amended in the Preliminary Amendment filed 17 October 2006, do not depend from Claim 1. They merely are stated to be " using the method of Claim 1" which is a different connotation than depending from Claim 1. This is because amended Claims 15 and 41-44 do not begin with the phrase, " the method of Claim 1, wherein" .

Restriction/Election

6. Applicants are absolutely correct in contemplating that Claims 39, 40 and 44 are

the part of Group III invention. Examiner appreciates that applicants have pointed out this inadvertent/unintentional typographical error and stands corrected.

7. For the record and clarification, below in here, Examiner re-iterates the Restriction Requirement in Office Action mailed 14 June 2005 with corrected groups.

8. Restriction to one of the following inventions is required under 35 U.S.C. §121:

- Group I – Claims 1-11 and 45-46 drawn to a method to stabilize α subunit of hypoxia inducible factor (i.e., HIF α) via administering to a subject an inhibitor for HIF α hydroxylation, classified under Class 514, Subclass 1 for example.
- Group II – Claims 1, 12-14 drawn to a method to *ex-vivo* administer a substance to stabilize HIF α , classified under Class 435, Subclass 325 for example.
- Group III – Claims 15-17, 24-32, 39, 40 and 44 drawn to a method to treat HIF-associated condition in an individual, classified under Class 514, Subclass 002 for example.
- Group IV – Claims 18-20 and 33 drawn to a method to treat an HIF-associated condition in an individual via inhibiting 2-oxoglutarate dioxygenase, classified under Class 435, Subclass 7.71 for example.
- Group V – Claims 21-23 and 34 drawn to a method to treat HIF-associated condition in an individual via inhibiting HIF-prolyl hydroxylase enzyme activity, classified under Class 435, Subclass 26 for example.
- Group VI – Claims 15 and 35-38 drawn to a method to treat HIF-associated condition in an individual via administering two different inhibitors to said individual, classified under Class 435, Subclass 25 for example.

- Group VII- Claim 41 drawn to a method to enhance angiogenic factor expression in an individual, classified under Class 424, Subclass 94.3 for example.
- Group VIII- Claim 42 drawn to a method to enhance glycolytic factor expression in an individual via stabilizing HIF α , classified under Class 424, Subclass 460 for example.
- Group IX- Claim 43 drawn to a method to enhance in an individual expression of factor associated with oxidative stress via stabilizing HIF α , classified under Class 514, Subclass 929 for example.
- Group X- Claims 1 and 47 drawn to a method to stabilize HIF α via orally administering to a subject an inhibitor for HIF α hydroxylation, classified under Class 424, Subclass 464 for example.
- Group XI- Claims 1 and 48 drawn to a method to stabilize HIF α via transdermally delivering to a subject an inhibitor for HIF α hydroxylation, classified under Class 424, Subclass 449 for example.
- Group XII- Claim 49 drawn to a method to denitrify a compound that stabilizes HIF α , classified under Class 435, Subclass 4 for example.

Inventions are Independent and Distinct

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

Inventions in Groups I-XII are unrelated to each other because each one of them is directed to different inventions that are not connected in design, components, operation and/or effect. These inventions are independent since they are not disclosed as capable of use together. They have different modes of operation, they have different

functions, and/or they have different effects. One would not have to practice the various methods at the same time to practice just one method alone (MPEP § 806.04, MPEP § 808.01). In the instant case, for example invention recited in claims encompassed in Group I are directed to a method requiring administration an inhibitor for HIF α hydroxylation, whereas the necessary steps to carry out invention encompassed in claim for Group XII is identifying a stabilizer for HIF α . Furthermore, invention in Group XII comprises specific features/ components/steps that are not shared by any one of the inventions in Groups I-XI and therefore, those inventions cannot be practiced together.

The inventions discussed above are independent and distinct, each from the other. They have acquired a separate status in the art as a separate subject for inventive effect and require independent searches. The search for each one of the above inventions is not coextensive particularly with regard to the literature search. Further, a reference that would anticipate the invention of one group would not necessarily anticipate or even make obvious another group. Finally, the consideration for patentability is different in each case. Thus, it would be an undue burden to examine all of the above inventions in one application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification (i.e., Class and subclass), and their recognized diverse subject matter, they would illicit an undue burden on the examiner to search and examine all the inventions in groups I- VI in one single application. Furthermore, the criteria for patentability may not be same for each of the recited groups and what may be applicable for one group may not at all be applicable to other group. Thus, restriction for examination purposes as indicated is proper.

10. Applicants are advised that a reply to this requirement must include an identification of an invention elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a

claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicants will be entitled to consideration of additional claims which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

11. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR §1.48(b). Any amendment of inventorship must be accompanied by a petition under 37 CFR §1.48(b) and by the fee required under 37 CFR §1.17(I).

12. Applicant's election with traverse of Group I, Claims 1-11, 45 and 46 filed 17 October 2005 to Office Action mailed 14 June 2005 is acknowledged and entered. Applicants' traversal is on the grounds that a search for all the inventions grouped in Groups I, III and VII-IX will not cause "any serious burden on the Examiner because" :

- o invention in Group I is drawn to a method to stabilize the α subunit of the hypoxia inducible factor (HIF α) " by administering a compound that inhibits hydroxylation of HIF α .
- o " The claims of Group III as amended above recite a method for stabilizing HIF α using the method of Claim 1, i.e., by administering a compound that inhibits hydroxylation of HIF α as recited in the claims of Group I. The subject matter of the Claims of group I and Group III is thus interrelated as each of the claims is directed to a method of stabilizing HIF α by administering a compound that inhibits hydroxylation of HIF α . Therefore, a search and Examination to identify art relevant to the claims of Group I would also identify art relevant to the claims of Group III" .

- o Applicants further argue that the “ claims of Groups VII-IX can be searched and examined along with the claims of Groups I and III because of the interrelatedness of the subject matter of these claims, especially because as amended claims 41-43 recite, stabilizing HIF α using the method of Claim 1, i.e., by administering a compound that inhibits hydroxylation of HIF α . Thus, a search of the subject matter of Groups I and III would reveal art relevant to the claims of Groups VII-IX” .
- o Citing MPEP § 803, p 800-4, 8th edition, May 2004, applicants argue that the Examiner must examine the entire application, even though it includes claims that are independent of each other or relate to distinct inventions, if such search and examination can be made without serious burden to the Examiner.

Applicants' arguments are fully and carefully considered but are not found persuasive because of the reasons of record on pages 2-3 in Office Action cited *supra*. In addition, as pointed out in item 5 *supra*, Claims 15, 41-44 as amended in the Preliminary Amendment filed 17 October 2006, does not depend from Claim 1. They merely are stated to be “ using the method of Claim 1” . Furthermore the subject matter claimed in claims encompassing each of the inventive Groups I, III and VII-IX is not the same or close because of different steps. The distinctive features for each of the inventive groups listed above have been clearly pointed out in the Office Action mailed 14 June 2005. Also, even after amendment, the claims in group III do not read on the same subject matter as that of Group I because for e.g., invention in Group I is drawn to a method to **stabilize α subunit of hypoxia inducible factor (i.e., HIF α) via administering to a subject an inhibitor for HIF α hydroxylation**, while that in Group III invention are drawn to a method to treat or preterit an HIF α -associated condition in a subject, which limitation extends beyond the scope of merely stabilizing HIF α and encompasses treatment of a disease. Similar distinctions are among the inventions encompassing groups VII-IX.

Thus, the search for each of the distinct inventions of Groups I, III and VII-IX is not co-extensive particularly with regard to the literature search. Further, a reference that would anticipate the invention of one group would not necessarily anticipate or even make obvious another group. Finally, the condition for patentability is different in each case because each invention results in to a different end point effect. Therefore, the restriction requirement is still deemed proper and is made FINAL.

12. According to Applicant's election with traverse of Group I, Claims 1-11 and 45-46 filed 17 October 2005 to Office Action mailed 14 June, Claims 12-44 and 47-49 are withdrawn from further consideration as being directed to a non-elected invention. See 37 CFR §1.142(b) and MPEP § 821.03. Examiner suggests that the non-elected claims cited *supra* be canceled in response to this Office action to expedite prosecution.

13. Claims 1-11 and 45-46 are examined on merits.

Priority

14. Applicant's claim for domestic priority under 35 U.S.C. § 119(e) to Provisional U.S. Application Serial Numbers 60/337,082 filed 06 December 2001; 60/349,659 filed 16 January 2002; 60/359,683 filed 25 February 2002 and 60/386,488 filed 05 June 2002 is acknowledged.

Information Disclosure Statement

15. Applicant's Information Disclosure Statements (i.e., IDSs) filed 06 May and 14 August 2003 and on 02 July 2004 have been made of record and considered.

Double Patenting

16. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed.

Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

17. Claims 1-11 and 45-46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 36-37 and 41-45 of Co-pending non-provisional U.S. Patent Application Number 10/313,643. Although, conflicting claims are not identical, they are not patentably distinct from each other because claims 1-8, 36-37 and 41-45 of referenced non-provisional U.S. Patent Application are drawn to a method comprising the same ingredients and essentially the same steps to obtain a method as claimed in the recited claims of instant application. It would have been obvious to one of ordinary skill in the art to substitute the erythropoietin of the referenced co-pending Non-provisional application with a modulator/inhibitor of prolyl-4-hydroxylase as recited in the claimed invention because said inhibitor for prolyl-4-hydroxylase also inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α).

Claim Rejections – 35 U.S.C. § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1,3, 5, 8-10 and 45-46 are rejected under 35 U.S.C. §102(b) as anticipated by Edwards et al. U.S. Patent 5,916, 898 with evidence provided by Franklin

et al. (Biochemical Journal, 2001, Volume 353, Pages333-338).

Claims recite a method to stabilize the alpha subunit of hypoxia inducible factor α (i.e., HIF α) in a subject via administering to said subject a compound that inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α). Said compound is also an inhibitor for HIF prolyl hydroxylase, wherein said HIF prolyl hydroxylase is a procollage prolyl-4-hydroxylase. Claims additionally recite that said inhibitor compound is a phenanthroline and is administered to a mammal *in vivo*.

Edwards et al teach a pharmaceutical composition comprising phenanthrolines (e.g., 3-carboxy-4-oxo-3, 4-dihydro-1, 10-phenanthroline) said phenanthrolines (Column 14, Lines 45-67) c possesses inhibitory activity for prolyl-4-hydroxylase (Column 13, Lines 35-40). Edwards et al. further teach that said pharmaceutical compositions are administered to warm blooded animals including human (Column 14, Lines 52-54; Column 17, Lines 1-10). Edwards et al. also teach *in vitro* and *in vivo* inhibition of hydroxylation at the 4-trans position of prolyl residues within collagen in the uteri of immature female rats via subcutaneously administering the test compounds (Column 28, Example 16 d). Edwards et al. further teach that phenanthrolinones are phenanthrolines that possess at least one asymmetric carbon atom (See Column 13, Lines 30-35). Thus Edwards et al. explicitly and inherently teach a method to stabilize the alpha subunit of hypoxia inducible factor α in a subject via administering to said subject a compound that inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α). Said compound is also an inhibitor for HIF prolyl hydroxylase and is a phenanthrolinone (See Franklin et al., Abstract).

Therefore, the reference deems to anticipate the cited claims.

In this rejection under 35 U.S.C. §102(b), Franklin et al. (Biochemical Journal, 2001, Volume 353, Pages333-338) is cited to merely support the Edwards et al' s teachings and not as a prior art reference.

Claim Rejections – 35 USC § 103

21. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR §1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

23. Claims 1-11 and 45-46 are rejected under 35 U.S.C. § 103 (a) as obvious over combined teachings from Edwards et al. U.S. Patent 5,916, 898 with evidence provided by Franklin et al. (Biochemical Journal, 2001, Volume 353, Pages333-338) in view of Muller (EP 0878 480).

Claims recite a method to stabilize the alpha subunit of hypoxia inducible factor α (i.e., HIF α) in a subject via administering to said subject a compound that inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α). Said compound is also an inhibitor for HIF prolyl hydroxylase, wherein said HIF prolyl hydroxylase is a procollage prolyl-4-hydroxylase. Claims additionally recite that said inhibitor compound is a phenanthroline and is administered to a mammal *in vivo*. Claims further recite stabilizing said HIF α in a subject via administering to said subject a compound that inhibits 2-oxoglutarate dioxygenase enzyme, wherein said enzyme is one among many and is a procollagen prolyl-4-hydroxylase and said procollagen prolyl-4-hydroxylase enzyme is selected from a Markush group comprising EGLN1, ELN2, zEGLN3 or a combination thereof. Said HIF α is selected from a Markush group consisting of HIF-1 α , HIF-2 α HIF-3 α or any fragment thereof.

Teachings from Edwards et al. have been discussed *supra*. Muller teaches a method to stabilize HIF alpha in an individual via injecting a compound (i.e., iron chelator a or a'-dipyridyl (i.e., DPY)) to inhibit prolyl-4- hydroxylase (Column 4, Lines 49-54; Column 9, Lines 45-48) which is manifested as inhibiting basal membrane formation induced by a lesion of neuronal tissue. Thus, Muller intrinsically teaches that inhibiting prolyl-4-hydroxylase enzyme stabilizes HI-alpha in an individual. Muller also teaches that said inhibitor of prolyl-4- hydroxylase to inhibit formation of basal membrane is administered locally to neuronal tissue, intraventricularly, systemically, intravenously, or orally to prevent/inhibit basal membrane formation induced by a lesion of neuronal tissue (Column 2, Line 8 to Column 11, Line 2). Note that inhibition of said enzyme would intrinsically stabilize the alpha subunit of hypoxia inducible factor (i.e., HIF alpha); because the prior art method teaches inhibition of same enzymes as is recited in instantly claimed invention. (i.e., administering a preparation that for e.g., inhibits lysyl and prolyl-4- hydroxylases enzymes) to stabilize HIF alpha. Furthermore, the prior art methods teach inhibition of said enzymes under *in vitro*, and also under *in vivo* conditions in an animal/mammal/human by administering an inhibitor for said enzyme. Note further that since HIF alpha is stabilized with an inhibitor of prolyl-4- hydroxylase, the prior art methods intrinsically teach a method to stabilize the alpha subunit of hypoxia inducible factor α (i.e., HIF α) in a subject via administering to said subject a compound that inhibits HIF α via inhibiting inhibiting HIF α , any of the HIF α , or 2-oxoglutarate dioxygenase enzyme claimed instantly. Said subject a compound that inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α) and Muller remedies the deficiencies in teachings of Edwards et al. of actually administering said inhibitor in a human. The prior art references cited above do not enumerate the exact same range of conditions and concentrations or fragments of HIF alpha as is claimed in the instant invention. However, adjustment of particular conventional working conditions (e.g., choice of a substitutive fragment or a substitutive enzyme or a compound having same functional effect) is deemed merely a matter of judicious selection and routine optimization of a result-effective parameter that is well within the purview of the skilled artisan.

Thus, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the teachings from Edwards et al.

with those from Muller because as discussed *supra*, Muller. Remedies thee deficiencies in Edward et al' s teachings of administering said inhibitor to stabilize HIF α .

From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.


Conclusion

23. For reasons aforementioned, no Claims are allowed.


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Terry McKelvey Monday through Friday 8:30 A.M. to 5:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the 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 (i.e., EBC) at: (866)-217-9197 (toll-free). Alternatively, status inquiries should be directed to the receptionist whose telephone number is (703) 308-0196.


Kailash C. Srivastava, Ph.D.
Patent Examiner
Art Unit 1655
(571) 272-0923

January 23, 2006


CHRISTOPHER R. TATE
PRIMARY EXAMINER