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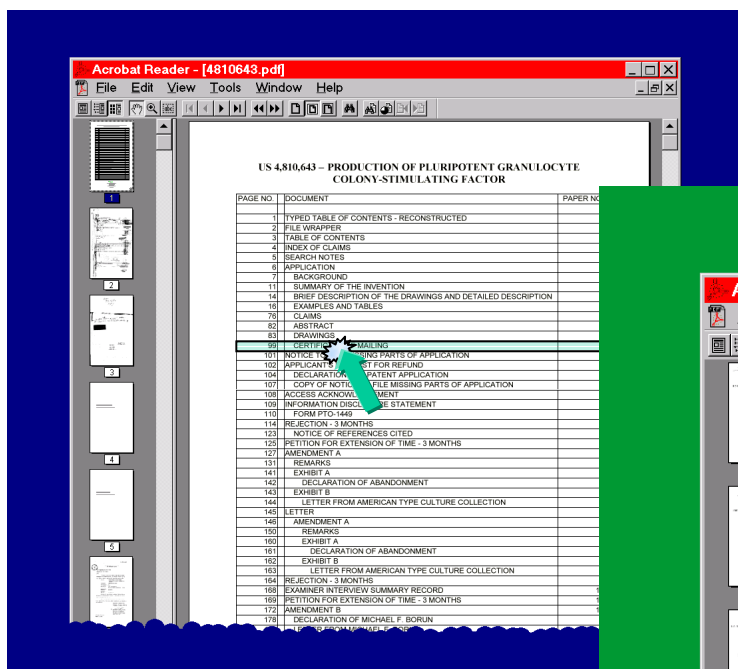
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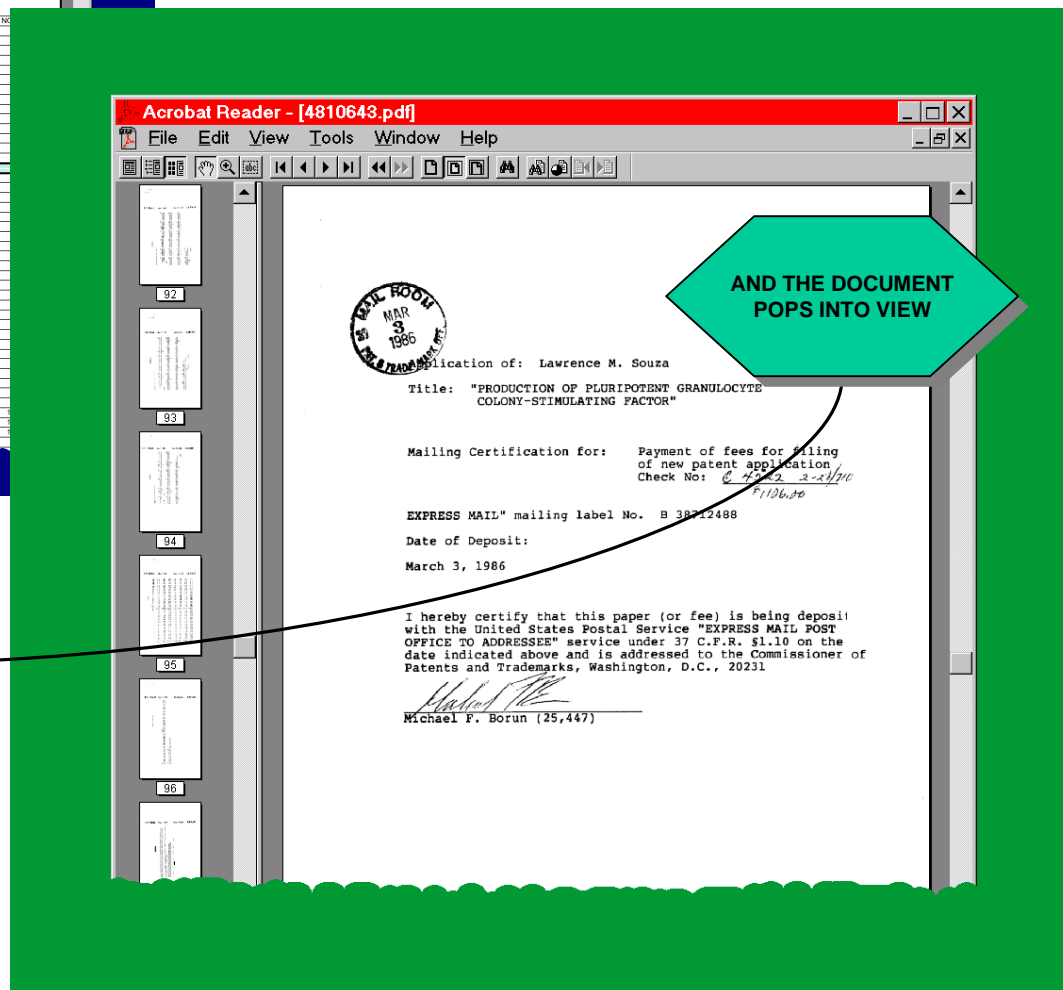
US 4,810,643 - PRODUCTION OF PLURIPOTENT GRANULOCYTE COLONY-STIMULATING FACTOR

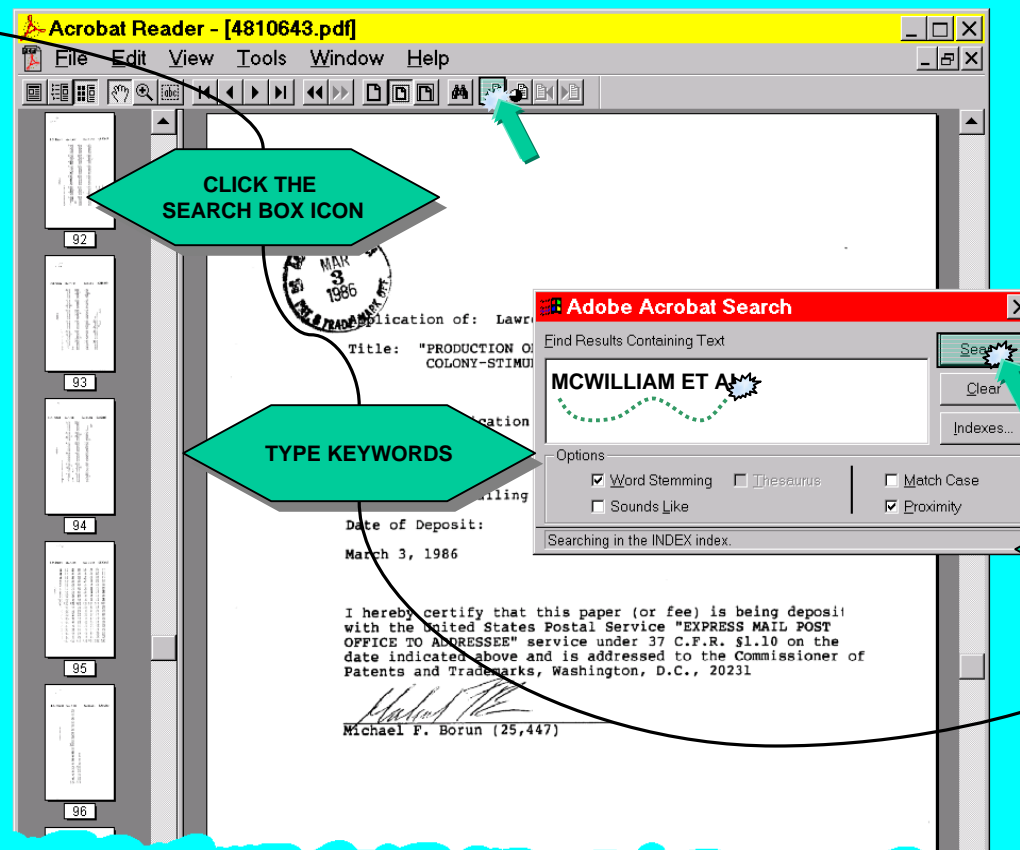
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CITED PUBLICATIONS: Pages 1 to 513.

US 5,582,823

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Serial Number: 08/243,536

Art Unit: 1812

correlation between these results and any treatment of bacterial inflammation either in the specification or in the prior art. The inflammatory response is known to differ depending on the type of bacteria causing the response (e.g., gram positive bacteria versus gram negative bacteria; those infecting the skin or digestive tract; etc.; see McWilliam et al., Abstract). Also, bacterial inflammation is not uniform among different subjects suffering therefrom (e.g., old versus young patients; see Pawinska et al., Abstract). There is insufficient guidance for the skilled artisan to determine the claimed invention presented in the specification such that the skilled artisan is not required to experiment unduly to practice the claimed invention.

Claim 45 is rejected under 35 U.S.C. § 112, first paragraph, for failing to set forth the objection to the specification.

35 U.S.C. § 103

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

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.

Subject matter developed by another person . . .

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VOILA!
EXAMINER'S ACTION
POPS INTO VIEW,
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US 5,582,823 – METHODS OF TREATING BACTERIAL INFLAMMATION AND GRANULOCYTOPOIESIS BY ADMINISTERING HUMAN PLURIPOTENT GRANULOCYTE COLONY-STIMULATING FACTOR

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Serial Number: 08/⁴⁵²¹³⁵243,556

-3-

Art Unit: 1812

correlation between these results and any treatment of bacterial inflammation either in the specification or in the prior art. The inflammatory response is known to differ depending on the type of bacteria causing the response (e.g., gram positive bacteria versus gram negative bacteria; those infecting the skin or digestive tract; etc.; see McWilliam et al., Abstract). Also, bacterial inflammation is not uniform among different subjects suffering therefrom (e.g., old versus young patients; see Pawinska et al., Abstract). There is insufficient guidance for practicing the broadly claimed invention presented in the specification such that the skilled artisan would have been required to experiment unduly to practice the claimed invention, especially given the high degree of unpredictability in this art.

Claim 45 is rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

35 U.S.C. § 103

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

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.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

PATENT

3/6 may

Application of:)	For: PRODUCTION OF
)	PLURIPOTENT
LAWRENCE M. SOUZA)	GRANULOCYTE COLONY-
)	STIMULATION FACTOR
Filed: Herewith)	
)	
Rule 1.60 Divisional)	
Application based on)	Attorney Docket 11009/32614
08/243,556 filed May 16, 1994)	
)	
Group Unit: 1812)	
)	
Examiner: G. Draper,)	
E. Kemmerer, Ph.D.)	



PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE SPECIFICATION

Page 2, line 11, please delete "1988" and insert in place thereof --1998-2003--.

Page 2, line 12, please delete "600 (1980)" and insert in place thereof --630-641 (1981)--.

Page 6, line 7, please delete "Table VII and Table VIII" and insert in place thereof --FIG. 2 and FIG. 3--.

B

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