EXHIBIT 1013:

PATENT APPLICATION 09/521,163; 4/22/2002 AMENDMENT.

A. Lawrence
#8B
5.29.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Davies et al.		
Serial No.:	09/521,163	Examiner:	A. Noguerola
Filed:	March 8, 2000	Art Unit:	1743
Title:	Measurement of Substances in Liquids		

AMENDMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Responsive to the Official Action mailed October 23, 2001 for the above-captioned application, please make the following amendments:

In the claims:

Please cancel claims 1-20 and substitute claims 21-39 as follows:

21. A device for measuring the concentration of a substance in a sample liquid, said device comprising:

a first working sensor part for generating charge carriers in proportion to the concentration of said substance in the sample liquid;

a second working sensor part also for generating charge carriers in proportion to the concentration of said substance in the sample liquid; and

a reference sensor part which is a common reference for both the first and second working sensor parts, wherein said first and second working sensor parts and said reference sensor part are provided on a disposable test strip.

I hereby certify that this paper and any attachments named herein are being deposited with the US Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on April 22, 2002

Marina T. Larson, PTO Reg. No. 32,038 — April 22, 2002 Date of Signature

22. The device as claimed in claim 21 arranged such that the sample liquid is constrained to flow substantially unidirectionally across said working sensor parts.

23. The device as claimed in claim 22 wherein said working sensor parts are both provided downstream of the reference sensor part.

24. The device as claimed in claim 21 wherein said working sensor parts are provided downstream of one another.

25. The device as claimed in claim 21 wherein said working sensor parts are both provided downstream of the reference sensor part.

26. The device as claimed in claim 21 wherein said sensor parts each have the same area.

27. The device as claimed in claim 26 wherein said first and second working sensor parts are substantially identical.

28. The device as claimed in claim 21 arranged to measure said currents after a predetermined time following application of the sample.

29. The device as claimed in claim 21 wherein the substance to be measured is glucose, and each of the working sensor parts generates charge carriers in proportion to the concentration of glucose in the sample liquid.

30. A test member for measuring the concentration of a substance in a sample liquid comprising:

a base member;

two working sensor parts provided on the base member; and

a reference sensor part which is a common reference for each working sensor part,

each working sensor part being arranged in use to generate charge carriers in proportion to the concentration of said substance in the sample liquid.

31. The test member as claimed in claim 30 arranged such that the sample liquid is constrained to flow substantially unidirectionally across said working sensor parts.

32. The test member as claimed in claim 31 wherein said working sensor parts are provided one downstream of the other.

33. The test member as claimed claim 30 wherein said working sensor parts are both provided downstream of said reference sensor part.

34. The test member as claimed in claim 30 wherein said working sensor parts each have the same area.

35. The test member as claimed in claim 34 wherein said working sensor parts are substantially identical.

36. The test member as claimed in claim 30 wherein the substance to be measured is glucose, and each of the working sensor parts generates charge carriers in proportion to the concentration of glucose in the sample liquid.

37. A method of measuring the concentration of a substance in a sample liquid comprising the steps of:

providing a measuring device according to claim 21;

applying the sample liquid to said measuring device;

measuring an electric current at each working sensor part proportional to the concentration of said substance in the sample liquid;

comparing the electric current from each of the working sensor parts to establish a difference parameter; and

giving an indication of an error if said difference parameter is greater than a predetermined threshold.

38. The method as claimed in claim 37 comprising measuring the current at each working sensor part after a predetermined time following application of the sample.

39. The method as claimed in claim 37 wherein the substance to be measured is glucose, and each of the working sensor parts generates charge carriers in proportion to the concentration of glucose in the sample liquid.

40. A method for confirming the volumetric sufficiency of a sample liquid applied to an electrochemical measuring device on a test strip, comprising the steps of

providing a measuring device according to claim 21;

applying the sample liquid to said measuring device;

measuring an electric current at each working sensor part proportional to the concentration of said substance in the sample liquid;

comparing the electric current from each of the working sensor parts to establish a difference parameter; and

when the difference parameter is greater than a predetermined threshold, establishing an error condition to indicate a lack of sufficient sample volume.

41. The method as claimed in claim 40 comprising measuring the current at each working sensor part after a predetermined time following application of the sample.

42. The method as claimed in claim 40 wherein the substance to be measured is glucose, and each of the working sensor parts generates charge carriers in proportion to the concentration of glucose in the sample liquid.

REMARKS

This amendment is filed in response to the Official Action mailed October 23, 2001 for the above-captioned application. Applicants request an extension of time sufficient to make this response timely, and enclose the appropriate fee. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 15-0610.

Applicants have submitted a replacement set of claims. In each independent claim, there is now a recitation that the reference sensor part is a common reference for both working sensor parts. Support for this amendment can be found, *inter alia*, at Page 10, lines 1-4 of the application as filed. Applicants respectfully submit that these claims are neither anticipated by nor obvious over the cited art. Claims 29, 36 and 39 recite the specific instance wherein the substance to be measured is glucose. This amendment is supported *inter alia* on Page 1, lines 5-8.

The Examiner rejected claims 1-6 and 12-15 under 35 USC § 102(b) as anticipated by Schulman (US 5,791,344). Claims 21-36 in each instance require two working electrode parts which are effective to generate a response to the same substance or analyte.

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