

EXHIBIT 1017:

PATENT APPLICATION 10/431,140; 3/2/2006 OFFICE ACTION.

Pharmatech Solutions, Inc.: EXHIBIT 1017
REQUEST FOR *INTER PARTES* REVIEW



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/431,140	05/07/2003	Oliver W.H. Davies	DDI-0045	4950
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PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			NOGUEROLA, ALEXANDER STEPHAN	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

DETAILED ACTION

***Status of Objections and Rejections pending since
the Office action of September 20, 2005***

1. All of the double patenting rejections are withdrawn.
2. The objection to claim 17 is withdrawn.
3. All of the rejections under 35 U.S.C. 102(b) are withdrawn.
4. All of the rejections under 35 U.S.C. 103(a) are withdrawn.
5. The objection to the specification is withdrawn.

Claim Rejections - 35 USC § 102

6. 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.

7. Claims 17, 25, 26, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Nankai (US 5,120,420) (“Nankai”).

Addressing claim 17, Nankai discloses a device for measuring the concentration of a substance in a sample liquid; the device comprising a first working sensor part (41) for generating charge carriers in proportion to the concentration of the substance in the sample liquid (col. 8:55-61 and col. 5:43-53); a second working sensor part (42) also for generating charge carriers in proportion to the concentration of the substance in the sample liquid (col. 9:1-5); and a reference sensor part (5) which is a common reference for both the first and second working sensor parts (Figure 13), wherein the first and second working sensor parts and the reference sensor part are provided on a disposable test strip (Figure 13).

Nankai does not state that the “first and second working sensors are arranged such that, in the absence of an error condition, the quantity of said charge carriers generated by said first working sensors are substantially identical to the quantity of said charge carriers generated by said second working sensor.” However, this limitation is implied because the first and second electrodes, including the reagent layers thereon,

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