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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			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/431,140	05/07/2003	Oliver W.H. Davies	DD1-0045	4950
27777 7	03/02/2006		EXAM	INER
PHILIP S. JO JOHNSON & J			NOGUEROLA, ALE>	KANDER STEPHAN
	N & JOHNSON		ART UNIT	PAPER NUMBER
NEW BRUNS	WICK, NJ 08933-7003		1753	
			DATE MAILED: 03/02/2000	6

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

PTO-90C (Rev. 10/03)

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		Application No.	Applicant(s)
		10/431,140	DAVIES ET AL.
	Office Action Summary	Examiner	Art Unit
		ALEX NOGUEROLA	1753
 Period for	The MAILING DATE of this communicati Reply	on appears on the cover sheet wit	th the correspondence address
WHICH - Extensi after SI - If NO po - Failure Any rep	RTENED STATUTORY PERIOD FOR IEVER IS LONGER, FROM THE MAILI ons of time may be available under the provisions of 37 X (6) MONTHS from the mailing date of this communica eriod for reply is specified above, the maximum statutory to reply within the set or extended period for reply will, b ly received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNIC CFR 1.136(a). In no event, however, may a re tion. y period will apply and will expire SIX (6) MONT y statute, cause the application to become AB/	ATION. ply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).
Status			
1) 🛛 🕞	Responsive to communication(s) filed or	n 20 December 2005.	
/	•	This action is non-final.	
3) S	ince this application is in condition for a	allowance except for formal matte	ers, prosecution as to the merits is
С	losed in accordance with the practice u	nder <i>Ex parte Quayle</i> , 1935 C.D.	11, 453 O.G. 213.
Dispositio	n of Claims		
4)⊠ C	laim(s) <u>17-20 and 22-35</u> is/are pending	in the application.	
-	a) Of the above claim(s) is/are w		
5) 🗌 C	laim(s) is/are allowed.		
	laim(s) <u>17-20 and 22-32</u> is/are rejected	I.	
-	laim(s) is/are objected to.		
-	claim(s) are subject to restriction	and/or election requirement.	
Applicatio			
	ne specification is objected to by the Ex	aminer	
	ne drawing(s) filed on <u>07 May 2003</u> is/a		ed to by the Examiner
	pplicant may not request that any objection		•
		••••	
	eplacement drawing sheet(s) including the ne oath or declaration is objected to by		
			Once Action of John PTO-132.
-	der 35 U.S.C. § 119		
	cknowledgment is made of a claim for for	oreign priority under 35 U.S.C. §	119(a)-(d) or (f).
a)[,,	una anta tra a tra a construction t	
	Certified copies of the priority docu		- P P
	Certified copies of the priority docu		
3	. Copies of the certified copies of th	• •	received in this National Stage
	application from the International E		
* Se	e the attached detailed Office action for	a list of the certified copies not r	eceived.
Attachment(s	·	_	
	of References Cited (PTO-892)	4) Linterview Su Paper No(s)	ummary (PTO-413) /Mail Date
	of Draftsperson's Patent Drawing Review (PTO-9 tion Disclosure Statement(s) (PTO-1449 or PTO/		formal Patent Application (PTO-152)
	lo(s)/Mail Date	6) Other:	

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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.

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Application/Control Number: 10/431,140 Art Unit: 1753

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 -

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(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) ("Nanaki").

Addressing claim 17, Nankai discloses a device for measuring the concentration of a substance in as ample 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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