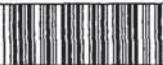


Notice of Allowability

Application No. 08/818,688	Applicant(s) Cohen
Examiner Shailendra Kumar	Group Art Unit 1209



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to 3/17/97
- The allowed claim(s) is/are 1-13
- The drawings filed on _____ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - All Some* None of the CERTIFIED copies of the priority documents have been
 - received.
 - received in Application No. (Series Code/Serial Number) _____
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
 - Applicant MUST submit NEW FORMAL DRAWINGS
 - because the originally filed drawings were declared by applicant to be informal.
 - including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
 - including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
 - including changes required by the attached Examiner's Amendment/Comment.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 5 and 6
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

EXHIBIT

ACTAVIS, AMNEAL,
AUROBINDO,
BRECKENRIDGE,
VENNOOT, SANDOZ,
SUN
IPR2014-01126-1004, p. 1

Serial Number: 08/818,688

Page 2

Art Unit: 1209

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Cohen on 1/27/98.

2. The application has been amended as follows:

1) In claim 9, line 2 is deleted and -- contains at least 90% (w/w) R stereoisomer --

is inserted therefor.

3. The following is an examiner's statement of reasons for allowance: Instant claims are directed anticonvulsant enantiomeric amino acid derivatives in the method of treating CNS disorders. The closest prior arts are Cohen(US 5,654,301) and Anderson et al(J.Am.Chem. Soc., 1967). Cohen teach structurally similar compounds as claimed herein for similar pharmaceutical method. The difference between the reference and herein claimed compounds is the definition of R₂, R₃ in the reference. The reference never teach or suggest R₂, R₃ to be an ether, as against ether in herein claims. Anderson et al at the same position teach hydroxy group, but fails to mention the claimed utility. There is no motivation to one of ordinary skill in the art to arrive at the claimed compounds for the claimed method of use, from the above cited references alone or in combination, and hence the claims are patentable.


Serial Number: 08/818,688

Page 3

Art Unit: 1209

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S.Kumar whose telephone number is (703) 308-4519.


SHAIENDRA KUMAR
PRIMARY EXAMINER
GROUP 1200

S.Kumar

January 28, 1998