

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dayton T. Reardan et al.

Title: SENSITIVE DRUG DISTRIBUTION SYSTEM AND METHOD

Docket No.: 101.031US1

Serial No.: 10/322,348

Filed: December 17, 2002

Due Date: July 28, 2007

Examiner: Lena Najarian

Group Art Unit: 3626

**MS Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- Substitute Appeal Brief Under 37 C.F.R. § 41.37 (32 pgs., including 1-page table of contents and 31-page Substitute Appeal Brief).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: 

Atty: David D. Lurida

Reg. No. 36,776

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of July, 2007.

John D. Gustav. Wapell  
Name

John D. Gustav. Wapell  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)

EXHIBIT

1047

1/21/16

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**TABLE OF CONTENTS**

	<u>Page</u>
<b><u>1. REAL PARTY IN INTEREST</u></b> .....	2
<b><u>2. RELATED APPEALS AND INTERFERENCES</u></b> .....	3
<b><u>3. STATUS OF THE CLAIMS</u></b> .....	4
<b><u>4. STATUS OF AMENDMENTS</u></b> .....	5
<b><u>5. SUMMARY OF CLAIMED SUBJECT MATTER</u></b> .....	6
<b><u>6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u></b> .....	12
<b><u>7. ARGUMENT</u></b> .....	13
<b><u>8. SUMMARY</u></b> .....	24
<b><u>CLAIMS APPENDIX</u></b> .....	25
<b><u>EVIDENCE APPENDIX</u></b> .....	30
<b><u>RELATED PROCEEDINGS APPENDIX</u></b> .....	31

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dayton T. Reardan et al. Examiner: Lena Najarian

Serial No.: 10/322,348

Group Art Unit: 3626

Filed: December 17, 2002

Docket: 101.031US1

For: SENSITIVE DRUG DISTRIBUTION SYSTEM AND METHOD

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**SUBSTITUTE APPEAL BRIEF UNDER 37 CFR § 41.37**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Substitute Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on March 19, 2007, from the Final Rejection of claims 32-42 of the above-identified application, as set forth in the Final Office Action mailed on October 26, 2006, and further in response to the Notice of Non-Compliant Appeal Brief mailed June 28, 2007.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$250.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

### **1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee, Jazz Pharmaceuticals.

## **2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

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