

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: VERMEERSCH, Hans Wim Pieter et al.
Serial No.: 12/536,807 Art Unit: 1614
Filed: August 6, 2009 Confirmation #4088
For : PSEUDOPOLYMORPHIC FORMS OF A HIV PROTEASE INHIBITOR

CERTIFICATE OF EFS TRANSMISSION		
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Alexandria, VA 22313-1450

SUPPLEMENTAL PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination and calculation of fees due, please amend the above-identified application as follows.

- Amendments to the Specification begin on page _____ of this paper.
- Amendments to the claims are reflected in the listing of the claims that begins on page 2 of this paper.
- Amendments to the Drawings begin on page _____ of this paper and include an attached replacement sheet.
- Remarks begin on 4 of this paper.

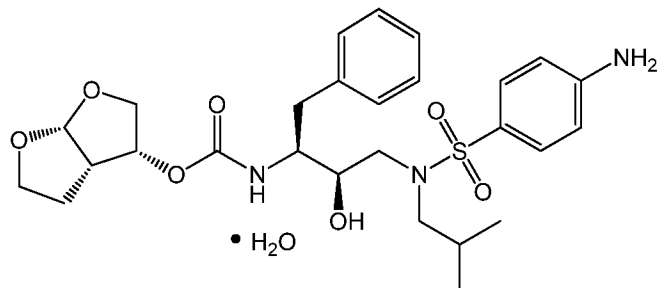
Listing of Claims:

This listing of claims replaces all prior versions, and listings, of claims in the captioned application.

Claims 1- 14 Cancelled

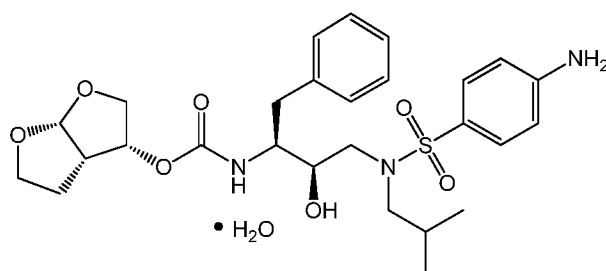
15. (New) A hydrate of the compound (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan-3-yl (1 S,2R)-3-[[4-aminophenyl] sulfonyl] (isobutyl) amino]-1-benzyl-2-hydroxypropylcarbamate, in which the ratio of compound to ethanol is about 1:1.

16. (New) A solvate having the formula:



17. (New) A composition comprising an hydrate of the compound (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan-3-yl (1 S,2R)-3-[[4-aminophenyl] sulfonyl] (isobutyl) amino]-1-benzyl-2- hydroxypropylcarbamate, in which the ratio of compound to ethanol is about 1:1, and an inert carrier.

18. (New) A composition comprising a solvate having the formula:



and an inert carrier.

19. (New) The composition of claim 16 wherein the inert carrier is a pharmaceutically acceptable carrier.
20. (New) The composition of claim 17 wherein the inert carrier is a pharmaceutically acceptable carrier.
21. (New) The composition of claim 319 wherein the pharmaceutically acceptable carrier is a solid inert carrier.
22. (New) The composition of claim 20 wherein the pharmaceutically acceptable carrier is a solid inert carrier.

REMARKS

Consideration of the captioned application in view of the foregoing amendments and following remarks is requested.

This application is a divisional of U.S.S.N. 10/514,352. Claims 1-13 are hereby cancelled without disclaimer of, or prejudice to, the subject matter therein. Claim 14 was cancelled in the Preliminary Amendment. New claims 15-22 are hereby added. No new matter has been added.

In the parent application (U.S.S.N. 10/514,352), the Examiner issued a restriction requirement among three groups. See Office Action mailed August 29, 2007 at page 2:

Group I, claims 9-10, drawn to solvates of (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan- 3-yl (1 S,2R)-3-[[4-(aminophenyl) sulfonyl] (isobutyl) amino]-1-benzyl-2- hydroxypropylcarbamate. If this group is elected, a further election of a single disclosed solvate compound is also required. Claims 1-8, 12-13 reading on the elected species can be prosecuted together with the election.

Group II, claim 11, drawn to hydrate of (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan- 3-yl (1 S,2R)-3-[[4-(aminophenyl) sulfonyl] (isobutyl) amino]-1-benzyl-2- hydroxypropylcarbamate. . . . If this group is elected, a further election of a single disclosed hydrate compound is also required. Claims 1-8, 12-13 reading on the elected species can be prosecuted together with the election.

Group III, claims 1-8, 12-13 remaining compounds, drawn to pseudomorph of (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan- 3-yl (1 S,2R)-3-[[4-(aminophenyl) sulfonyl] (isobutyl) amino]-1-benzyl-2- hydroxypropylcarbamate not encompassed by groups I and II. If this group is elected, a further election of a single disclosed hydrate compound is also required. Further restriction may be required.

New claims 15-22 read on Group II.

Early favourable action on the merits is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance of claims 15-22 be issued in this case.

Respectfully submitted,

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