

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hans Wim Pieter Vermeersch

Confirmation No.: 4088

Application No.: 12/536,807

Group Art Unit: 1625

Filing Date: August 6, 2009

Examiner: Celia C. Chang

For: PSEUDOPOLYMORPHIC FORMS OF A HIV PROTEASE INHIBITOR

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

Dear Commissioner:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **May 22, 2012**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- Amendments to the Specification** begin on page of this paper.
- Amendments to the Claims** are reflected in the listing of the claims which 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 page 5 of this paper.
- The Commissioner is hereby authorized to charge any fee deficiency, charge any additional fees, or credit any overpayment of fees, associated with this application in connection with this filing, or any future filing, submitted to the U.S. Patent and Trademark Office during the pendency of this application, to Deposit Account No. 23-3050.

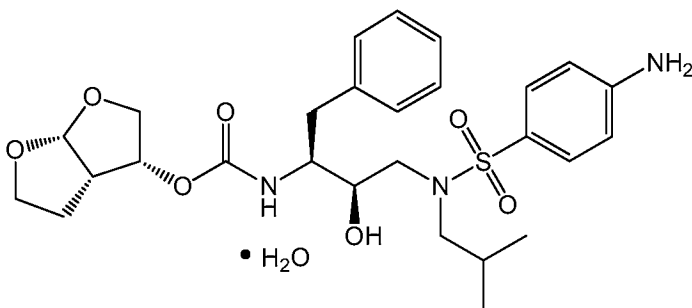
This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

Claims 1- 14 Cancelled

15. (Previously Presented) 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 the compound to water is about 1:0.5 to about 1:3.

16. (Previously Presented) A hydrate having the formula:



17. (Previously Presented) A composition comprising 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 water is about 1:0.5 to about 1:3, and an inert carrier.

18. (Canceled)

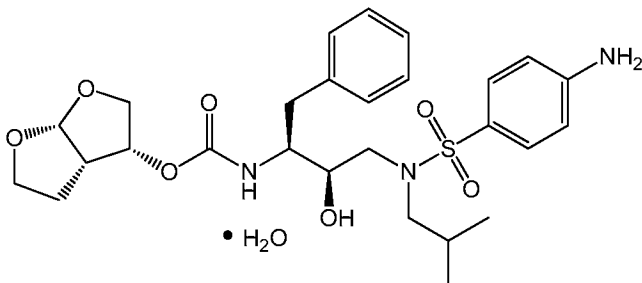
19. (Canceled)

20. (Previously Presented) The composition of claim 17 wherein the inert carrier is a pharmaceutically acceptable carrier.

21. (Previously Presented) The composition of claim 20 wherein the pharmaceutically acceptable carrier is a solid inert carrier.

22. (Canceled)

23. (Previously Presented) A composition comprising a hydrate having the formula:



and an inert carrier.

24. (Previously Presented) The composition of claim 23 wherein the inert carrier is a pharmaceutically acceptable carrier.

25. (Previously Presented) The composition of claim 24 wherein the pharmaceutically acceptable carrier is a solid inert carrier.

26. (Previously Presented) The hydrate of claim 15 wherein the ratio of the compound to water is about 1:1 to about 1:2.

27. (Previously Presented) The hydrate of claim 15 wherein the ratio of the compound to water is about 1:0.5.

28. (Previously Presented) The hydrate of claim 15 wherein the ratio of the compound to water is about 1:1.

29. (Previously Presented) The hydrate of claim 15 wherein the ratio of the compound to water is about 1:2.

30. (Previously Presented) The hydrate of claim 15 wherein the ratio of the compound to water is about 1:3.

31. (Previously Presented) The composition of claim 17 wherein the ratio of the compound to water is about 1:1 to about 1:2.

32. (Previously Presented) The composition of claim 17 wherein the ratio of the compound to water is about 1:0.5.
33. (Previously Presented) The composition of claim 17 wherein the ratio of the compound to water is about 1:1.
34. (Previously Presented) The composition of claim 17 wherein the ratio of the compound to water is about 1:2.
35. (Previously Presented) The composition of claim 17 wherein the ratio of the compound to water is about 1:3.
36. (Previously Presented) The composition of claim 17 further comprising amorphous (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan-3-yl (1 S,2R)-3-[[(4-aminophenyl) sulfonyl] (isobutyl) amino]-1-benzyl-2-hydroxypropylcarbamate.

REMARKS

Claims 15-17, 20, 21, and 23-36 are pending. No claim amendments have been made.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 15-17, 20, 21, and 23-36 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The basis for this rejection appears to be an alleged inconsistency between the fact that claim 15 is directed to “A hydrate” yet embraces *multiple* hydrates that each have a ratio of (3R,3aS,6aR)-hexahydrofuro [2,3-b] furan-3-yl (1 S,2R)-3-[[4-aminophenyl) sulfonyl] (isobutyl) amino]-l-benzyl-2- hydroxypropylcarbamate to water that is within the specified range. However, it is well established that an applicant may present a patent claim that (as in claim 15) uses the definite article “a” to embrace each of multiple embodiments of an invention. The Office Action also alleges that it is unclear “how many hydrates” are within the scope of claim 15 (Office Action at page 2), but there is no requirement under the patent laws for a claim to specify how many embodiments it includes.

Claim 16 has been alleged to make claim 15 confusing, but this rejection also lacks basis. Claim 16 specifies that the ratio of compound to water be 1:1, which is well within the range (*i.e.*, 1:0.5 to about 1:3) that is recited in claim 15.

Accordingly, Applicants request that the rejection for alleged indefiniteness be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 112, First Paragraph

Written Description

Claims 15-17, 20, 21, and 23-36 stand rejected under 35 U.S.C. § 112, first paragraph, because Applicants’ disclosure allegedly does not provide adequate support for the ratio that is recited in claim 15. Applicants request reconsideration of this rejection because their disclosure reasonably conveys to those skilled in the art that Applicants were in possession of the claimed subject matter.

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