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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/340,522	12/29/2011	Joseph J. Buggy	25922-819.301	7251
21971 7590 01/03/2013 WILSON, SONSINI, GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050			EXAMINER	
			RAMACHANDRAN, UMAMAHESWARI	
FALO ALTO, CA 94304-1030			ART UNIT	PAPER NUMBER
			1627	
			MAIL DATE	DELIVERY MODE
			01/03/2013	PAPER

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

The time period for reply, if any, is set in the attached communication.



	Application No.	Applicant(s)				
	13/340,522	BUGGY ET AL.				
Office Action Summary	Examiner	Art Unit				
	UMAMAHESWARI RAMACHANDRAN	1627				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 26 March 2012.						
, <u> </u>	action is non-final.					
<i>'</i>	, <del>_</del>					
the restriction requirement and election have been incorporated into this action.						
4) Since this application is in condition for allowan	4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E.	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
5) Claim(s) 130-150 is/are pending in the application.						
5a) Of the above claim(s) is/are withdrawn from consideration.						
6) Claim(s) is/are allowed.						
7) Claim(s) is/are rejected.	Claim(s) is/are rejected.					
8) Claim(s) is/are objected to.	Claim(s) is/are objected to.					
9) Claim(s) 130-150 are subject to restriction and	O) Claim(s) 130-150 are subject to restriction and/or election requirement.					
* If any claims have been determined <u>allowable</u> , you may be eligible to benefit from the <b>Patent Prosecution Highway</b> program at a participating intellectual property office for the corresponding application. For more information, please see <a href="http://www.uspto.gov/patents/init_events/pph/index.jsp">http://www.uspto.gov/patents/init_events/pph/index.jsp</a> or send an inquiry to <a href="mailto:PPHfeedback@uspto.gov">PPHfeedback@uspto.gov</a> .						
Application Papers						
10) The specification is objected to by the Examiner.						
11) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	3) Interview Summary	(PTO-413)				





Application/Control Number: 13/340,522 Page 2

Art Unit: 1627

### **DETAILED ACTION**

For the sake of compact prosecution, an attempt was made to contact Applicants' representative, Michael Hostetler on 12/20/2012 for election of restriction/election species by phone.

Claims 1-129 have been cancelled. Claims 130-150 are pending.

#### Restriction/Election

I. Claims 130, 133-146 are towards a method for treating a lymphoma in an individual comprising administering to the individual an inhibitor of Bruton's tyrosine kinase (Btk), wherein the lymphoma is a Cutaneous B-Cell Lymphoma, Cutaneous Marginal Zone Lymphoma (MZL), Diffuse Mixed Small and Large Cell Lymphoma, Diffuse Small Cleaved Cell, Diffuse Small Lymphocytic Lymphoma, Endemic Burkitt's lymphoma, Follicular Large Cell (Grade 3), Follicular Mixed Small Cleaved and Large Cell (Grade 2), Follicular Small Cleaved Cell (Grade 1), immunoblastic large cell lymphoma, indolent lymphoma, intravascular large B cell lymphoma, Intravascular Lymphomatosis, Large Cell Immunoblastic Lymphoma, Large Cell Lymphoma (LCL), low-grade small B-cell lymphoma Lymphoblastic Lymphoma, lymphoplasmocytic lymphoma, Mediastinal Large B-Cell Lymphoma, precursor B-lymphoblastic lymphoma, primary central nervous system (CNS) lymphoma, primary mediastinal B-cell lymphoma, or Sporadic Burkitt's Lymphoma, further comprising a second cancer treatment (claim 138) and dosage regimen, classified in class 424/133.1, 514/262.1, 514/64, 424/142.1, 514/110, 514/47, 514/34, 514/49.



Application/Control Number: 13/340,522 Page 3

Art Unit: 1627

II. Claims 131, 133-144, 147, and 148 are towards a method for treating a refractory hematological malignancy in an individual comprising administering to the individual an inhibitor of Bruton's tyrosine kinase (Btk), classified in class 424/133.1, 514/262.1, 514/64, 424/142.1, 514/110, 514/47, 514/34, 514/49.

III. Claims 131, 133-144, 149, and 150 are towards a method for treating a relapsed or refractory non-Hodgkin's lymphoma in an individual comprising administering to the individual an inhibitor of Bruton's tyrosine kinase (Btk), classified in class 424/133.1, 514/262.1, 514/64, 424/142.1, 514/110, 514/47, 514/34, 514/49.

The inventions are distinct from each other because of the following reasons:

Inventions of Groups I-III are related to different methods of treatment using Btk Inhibitors. The related inventions are distinct if it (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed have different functions. For example cutaneous B lymphoma can be treated using immunotherapeutic agents as in US 6518281, vindesine has been taught to be useful for refractory hematological malignancy (see Mandelli et al. Leukemia Research, 6, 5, 1982), and non-hodgkin lymphoma can be treated using multi-arm polymeric conjugates of 7-ethyl-10-hydroxycamptothecin (see US 8048891). Accordingly, the method claimed can be carried out with different pharmaceutical medications. Hence the claimed inventions are distinct from each other.



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