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| EXAMINER |
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1627

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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.

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.

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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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