

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 03/13/2013
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EXAMINER

RAMACHANDRAN, UMAMAHESWARI

ART UNIT	PAPER NUMBER
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1627

MAIL DATE	DELIVERY MODE
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03/13/2013

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.

PTOL-90A (Rev. 04/07)

-- 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 3 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 04 February 2013.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 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 *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 131, 132 and 134-149 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 131, 132 and 134-149 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

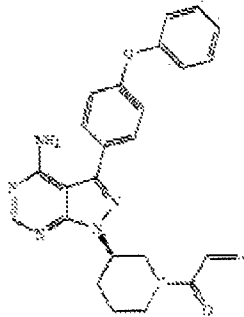
- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the 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)
- 2) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/23/2013, 2/22/2013
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 4) Other: _____

DETAILED ACTION

The office acknowledges Applicants' response to the Restriction Election dated 1/3/2013. Applicants' have elected Group II with traverse. Applicants' argue that a relapsed or refractory non-Hodgkin's lymphoma is a species of relapsed or refractory hematological malignancy, the claims Group III overlap and are encompassed by the genus relapsed or refractory hematological malignancy. Also, Applicants have amended claim 132 to depend from claim 131. Accordingly, claims 131,132, and 134-149 as presented herein read on elected Group II. Applicants' arguments and amendment of claims have been considered and found to be persuasive. Applicants have cancelled claims 1-130, 133. Claims 131, 132, 134-149 are directed to a method of relapsed or refractory hematological malignancy in an individual comprising administering to the individual an inhibitor of Bruton's tyrosine kinase (Btk). Hence Group II and Group III claims (131, 132, 134-149) will be examined. Applicants have elected the species of lymphoma – mantle cell lymphoma (MCL), species of second cancer agent - rituximab (174722-31-7) and the following species for Btk inhibitor.



RN 936563-96-1 HCAPLUS

CN 2-Propen-1-one, 1-[(3R)-3-[4-amino-3-(4-phenoxyphenyl)-1H-pyrazolo[3,4-d]pyrimidin-1-yl]-1-piperidinyl]- (CA INDEX NAME)

(stereoisomer – ibrutinib – PCI-32765 (936563-96-1), (specification p 82, [00262, compound 1], in US publication, p 34, compound 1). The claims will be examined to the extent they read on the elected species.

The restriction requirement election is made Final.

Note: The claim set dated 3/26/2012 that was examined for Restriction Election Requirement had claim 150. However the claim set dated 2/4/2013 (examined for this office action) do not have claim 150 and there is no cancelled claim 150.

The claims corresponding to the elected subject matter are 131, 132, 134-149 are herein acted on the merits.

Application Priority

This application filed 12/29/2011 is a continuation of 13153317, filed 06/03/2011, Claims Priority from Provisional Application 61351130, filed 06/03/2010 , Claims Priority from Provisional Application 61351655, filed 06/04/2010, Claims Priority from Provisional Application 61351793, filed 06/04/2010, Claims Priority from Provisional Application 61351762, filed 06/04/2010, Claims Priority from Provisional Application 61419764, filed 12/03/2010, Claims Priority from Provisional Application 61472138, filed 04/05/2011.

Information Disclosure Statement

The information disclosure statements (IDS) filed on 1/23/2013, 2/22/2013 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the Examiner. The foreign references and non-patent literature

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