

# Exhibit 1019

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

|              |                              |                   |                  |
|--------------|------------------------------|-------------------|------------------|
| Applicants:  | S. George Kottayil, et al.   | Docket No.:       | 50695.0100       |
| Serial No.:  | 11/698,739                   | Confirmation No.: | 4756             |
| Filing Date: | January 25, 2007             | Examiner:         | Sandra L. Wegert |
| Title:       | SUBLINGUAL FENTANYL<br>SPRAY | Art Unit:         | 1646             |

**RESPONSE TO NON-FINAL OFFICE ACTION**

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

Applicants hereby respond to the non-final Office Action dated June 9, 2010, and respectfully request the Examiner consider the following remarks.

**Remarks/Arguments** begin on page 2 of this paper.

A **Conclusion** begins on page 3 of this paper.

**Remarks/Arguments**

In the Non-Final Office Action mailed June 9, 2010, the Examiner maintained the restriction requirement and provisionally rejected the pending claims on the grounds of nonstatutory obviousness-type double patenting in view of U.S. Patent Application No. 12/221,333 to Kottayil, et al. (“Kottayil”).

**I. Status of the Claims**

Claims 1-4, 10, 11, 20-23, 31, and 32 are pending in the application and are currently provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-11, 30-32, 127, 128 and 139 of Kottayil.

**II. Examiner Interview & Provisional Double Patenting Rejection**

Applicants thank the Examiner for her time and consideration during the telephonic interview with Applicants’ representative, Damon Ashcraft, on June 15, 2010. During that interview, Mr. Ashcraft pointed out to the Examiner that since the only rejection pending in this application was a provisional obviousness-type double patenting rejection, it should be withdrawn and the claims in the instant application be allowed to issue.<sup>1</sup> The Examiner agreed and requested the Applicants submit a response noting the substance of the interview. This is that response. In view of the foregoing, Applicants request that this rejection be withdrawn.

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<sup>1</sup> Applicants specifically note that this response is not a concession that the claims of the instant application are obvious in view of claims 9-11, 30-32, 127, 128, and 139 of Kottayil.

**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the Application. Applicants authorize and respectfully request that any fees due or overpayments be charged or credited to Deposit Account No. 19-2814. **This statement does NOT authorized payment of the issue fee.**

Dated: \_\_\_\_\_

6/18/10

Respectfully submitted,

By: \_\_\_\_\_

J. Damon Ashcraft

Registration No. 51,024

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