

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
NAVARRO, FRANÇOIS ET AL.
APPLICATION NO: 12/497728
FILED: JULY 06, 2009
FOR: MACROLIDES

ART UNIT: 1624
EXAMINER: KIFLE, BRUCK
CONF. NO.: 7112

MS: Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE UNDER 37 CFR §1.312(a)

Sir:

This Amendment is submitted in response to the Office communication mailed February 3, 2010.

Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

Amendments to the Claims:

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

Listing of Claims:

Claim 1. (Original): A solid mixture comprising 40-O-(2-hydroxy)ethyl-rapamycin and 2,6-di-tert-butyl-4-methylphenol (BHT).

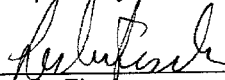
Claim 2. (Original): A mixture according to claim 1, wherein said 2,6-di-tert-butyl-4-methylphenol (BHT) is present in a catalytic amount.

Claim 3. (New): A pharmaceutical composition comprising the solid mixture of claim 1 together with one or more pharmaceutically acceptable diluent or carrier.

Remarks/Arguments

Applicants wish to thank the Office and Examiner Kifle for the Response to Rule 312 communication mailed February 3, 2010. Applicants provide the instant amendment after allowance in order to add a new dependent pharmaceutical composition claim (new claim 3) in the form suggested by Examiner Kifle in the Response to Rule 312 communication. This claim finds support in the originally filed application at page 4. Therefore, no new matter has been added by way of this amendment.

Respectfully submitted,



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