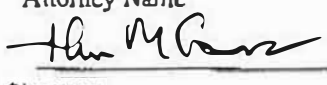


#8

1103326-0596

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lundgren et al.
 Serial No. : 09/423,185
 Filed : November 3, 1999
 For : IMPROVED STABILITY FOR INJECTION SOLUTIONS
 Examiner : Azpuru, Carlos A.
 Group Art Unit : 1615

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below at the facsimile number <u>703-872-9307</u> .	
<u>John M. Genova</u>	<u>32,224</u>
Attorney Name	PTO Reg. No.
	<u>25 Aug 2002</u>
Signature	Date of Signature

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Office of Petitions
 Assistant Commissioner of Patents and Trademarks
 Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT SUBMITTED WITH
 REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. §1.114)**

Sir:

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A Petition for Withdrawal of Application from Issue under 37 C.F.R. §1.313(c)(2) and a Request for Continued Examination are being submitted concurrently with this communication. Applicants request consideration of the patentability of the claimed invention in view of the documents listed on Form PTO-1449.

Bass and Spangenberg
 v.
 Fresenius Kabi USA, LLC
 U.S. Patent No. 8,476,010

STANDARD FORM NO. 64 (REV. 11-19-83)

The Form PTO-1449 identifies three documents. The first document is US 4,381,779 to Marguiles which is disclosed in EP 0 390 224 ("EP '224") at page 2, line 44. The document EP '244 was cited in an Information Disclosure Statement, mailed February 8, 2001, in the referenced application. The application was allowed over EP '244.

The second document identified on the accompanying Form PTO-1449 is a copy of an Internet web page for Debioclip[®], a device for the reconstitution and single-dose delivery of a lyophilized drug (<http://www.debiotech.com/products/drgdd/debioclip.html>). As noted on the web page, the disposable pre-filled glass syringe consists of a pharmaceutical grade bromobutyl rubber plunger and stopper. The relevant web page contains a copyright symbol with the year 2001. However, to date, Applicants have not been able to determine the earliest prior art date with respect to Debioclip.

The third document identified on the accompanying Form PTO-1449 is a copy of an Internet web page for Diprivan[®] (propofol) injectable emulsion (<http://www.diprivan.com/faq/faq.html>). Diprivan is an intravenous sedative-hypnotic agent commercially introduced in the United States in 1989, with a pre-filled glass syringe being introduced in mid-1996. It is the first of a new class of intravenous anesthetic agents - the alkylphenols. The active anesthetic agent in Diprivan, propofol (2,6-di-isopropylphenol) is formulated in an oil-in-water emulsion. Under the heading of question #2 of the Diprivan document, it is disclosed that "[t]he rubber plunger in the syringes and the bung of the vials is an elastomeric formulation of 100% bromobutyl rubber". More accurately, the rubber in the syringes is a chlorinated butyl rubber whereas the bung of the vials is a brominated butyl rubber.

Applicants submit that the newly identified prior art is not more relevant than prior art of record, e.g., EP '244. Accordingly, it is submitted that the claimed invention is patentable for the reasons of record.

TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination.

FEE

Authorization is hereby given to charge Deposit Account No. 23-1703 for any fee due in connection with this communication.

Dated: 25 July 2002

Respectfully submitted,



John M. Genova
Reg. No. 32,224
Attorney for Applicants

Customer No. 007470
Attorney Direct Dial: (212) 819-8832

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NEW YORK 780995 v1 [qam0] [DOC] (JK)

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