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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/020,096		8822438	CGR5001USREX	7115
27777	7590	06/14/2016	EXAMINER	
JOSEPH F. SHIRTZ JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			JONES, DWAYNE C	
			ART UNIT	PAPER NUMBER
			3991	
			MAIL DATE	DELIVERY MODE
			06/14/2016	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.

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
STUART P. SUSKIND  
836 BENTBURY WAY  
CARY, NC 27518

Date: 06/14/2016

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90020096  
PATENT NO. : 8822438  
ART UNIT : 3991

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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Requester's Name and Address: STUART P. SUSKIND  
836 BENTBURY WAY  
CARY, NC 27518

90/020,096

Patent Number: 8,822,438

Request Receipt Date: 01/18/2016

Control Number:

Date Mailed: 06/14/2016

**NOTICE OF TERMINATION OF PREPROCESSING OF *EX PARTE* REEXAMINATION REQUEST (37 CFR 1.510(c))**

For the reasons set forth below, the request for *ex parte* reexamination filed 01/18/2016 will not be granted a filing date, and the reexamination filing fee submitted with the proceeding will be refunded to requester pursuant to 37 CFR 1.26(a).

The request papers have:

- been added to the patent file, as a Prior Art Citation under 37 CFR 1.501(a), since the papers comply with the requirements of § 1.501(a).  
 been closed from public view, since the papers do not comply with the requirements of § 1.501(a).

On 04/07/2016, a "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was mailed for the request papers. The notice identified items that are required by 37 CFR 1.510 and were missing from the request. The notice set a 30 day time period for requester to complete the request.

- A response to the "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was not timely received from the requester.  
 A response to the "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was timely received from the requester on . The response has been reviewed, but it is not sufficient to complete the *ex parte* reexamination request pursuant to 37 CFR 1.510. The remaining deficiencies identified in the Notice that were not cured are identified in the Attachment.

In the present instance, the requester was notified that the *ex parte* reexamination request did not meet all the requirements of 37 CFR 1.510 and was given an opportunity to complete the requirements of the request within a specified time. Requester has failed to timely complete the requirements for an *ex parte* reexamination request pursuant to 37 CFR 1.510. Accordingly, pursuant to 37 CFR 1.510(c), the request for *ex parte* reexamination will not be granted a filing date.

**REFUND OF REEXAMINATION FILING FEE**

In due course, a full refund of the *ex parte* reexamination filing fee will be made to the reexamination requester.

**REQUESTER'S RECOURSE**

In the event that the requester desires to initiate an *ex parte* reexamination of the patent, requester may wish to consider filing a new and complete request for *ex parte* reexamination, which new request includes the missing information identified by the Office.

*Shanette Brun*

Patent Reexamination Specialist, Central Reexamination Unit  
(571) 272-6632 ; FAX No. (571) 273-9900

ATTACHMENT INCLUDED

cc: Patent Owner's Name and Address: BERNARD F. PLANTZ  
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