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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for Troutman Sanders LLP and examination information.

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 14/729,634	Applicant(s) MCKENNA ET AL.	
	Examiner KAUSER M. AKHOON	Art Unit 1642	AIA (First Inventor to File) Status No

-- 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 MONTHS 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 06/03/2015.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 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) 170-199 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 170-199 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).

Certified copies:

- a) All b) Some** c) None of the:
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/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 4) Other: _____.

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The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Claims 170-199 are currently pending.

Priority

Acknowledgment is made that this application is a continuation application of US patent application 13/803,132, filed March 14, 2013 (abandoned), US Patent Application No. 11/844,872, filed August 24, 2007, which claims priority to US Provisional 60/840,244, filed August 25, 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(b) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 172-174, 190-196 and 199 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Instant claim 172 recites “wherein each shape and cured matrix ...cured by heated air ...for 15 minute to about 8 hours.” Instant claim 173 recites “wherein the heated air temperature is from about 65 to 90° C ...duration is about 15 minute to about 8 hours...cooling.” Instant claim 174 recites “wherein said shaped tablet is coated at least one of before or after being cured.” Claims 172-174 recite both an apparatus and method. These

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claims mix apparatus and method limitations (such as functions or actions of a user) are indefinite when the boundaries are unclear. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under **35 U.S.C. 112(b)** or **pre-AIA 35 U.S.C. 112**, second paragraph. See *In re Katz Interactive Call Processing Patent Litigation*, 639 F.3d 1303, 97 USPQ2d 1737 (Fed. Cir. 2011). Claims 172-174 has more than one interpretation and therefore is indefinite.

Claims 190-196 and 199 are also rejected for being dependent on a rejected base claim.

Applicant is requested to correct the deficiency.

Claim Rejections - 35 USC § 112, Fourth Paragraph

The following is a quotation of 35 U.S.C. 112(d):

(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), fourth paragraph:

Subject to the [fifth paragraph of 35 U.S.C. 112 (pre-AIA)], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

Claims 187, 188 and 189 are rejected under 35 U.S.C. 112(d) or 35 U.S.C. 112 (pre-AIA), 4th paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends In the instant case, claims 187, 188 and 189 depends upon claim 170. Claim 187, 188 and 189 recites the limitation “wherein said tablet... has a cracking force of...”

(claim 187), "where said tablet can be flattened to a thickness...without breaking" (claim 188) and "wherein ...the same tablets are stored at 40 °C and 75% relative humidity... release an amount of said oxycodone...deviates...by no more than about 10% points" (claim 189), these are inherent properties of the cured shaped tablet defined in claim 170 and not a further limitation. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

Claim 197 is also rejected for being dependent on a rejected base claim.

Applicant is requested to correct the deficiency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. § 102

(b) that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 170-174 and 187-199 are rejected under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Bartholomaeus *et al.* ("Bartholomaeus", US Patent Publication No 2005/0031546).

Applicants' claims are directed to a pharmaceutical table comprising oxycodone or pharmaceutically acceptable salt thereof with a high molecular weight polyethylene oxide with a MW from 4,000,000 to 7,000,000, said high molecular weight polyethylene oxide is at least 60%

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