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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Jingyue Ju and examiner RILEY, JEZIA.

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.

Illumina Ex. 1134
IPR Petition USD 10,425,742

<b>First Action Interview Pilot Program Pre-Interview Communication</b>	<b>Application No.</b> 16/150,185	<b>Applicant(s)</b> Ju et al.	
	<b>Examiner</b> JEZIA RILEY	<b>Art Unit</b> 1637	<b>AIA Status</b> No

*-The MAILING OR NOTIFICATION DATE of this communication appears on the cover sheet with the correspondence address -*

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING OR NOTIFICATION DATE OF THIS COMMUNICATION.

**This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH.**

**This communication constitutes notice under 37 CFR 1.136(a)(1)(i).**

Applicant must, within the time period for reply, file: (1) A letter requesting not to have a first action interview; (2) A reply under 37 CFR 1.111 waiving the first action interview and First Action Interview Office Action; or (3) An Applicant Initiated Interview Request Form (PTOL-413A) electronically via EFS-Web, accompanied by a proposed amendment or arguments, and schedule the interview within 2 months from the filing of the request. A failure to respond to this communication will be treated as a request not to have an interview. If applicant waives the First Action Interview Office Action, the instant Pre-Interview Communication is deemed the first Office Action on the Merits. The next subsequent Office action may be made final if appropriate. See MPEP 706.07(a).

**Status**

1)  Responsive to communication(s) filed on \_\_\_\_ .  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_ .

**Disposition of Claims**

2)  Claim(s) 1-2 is/are pending in the application.  
2a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

3)  Claim(s) \_\_\_\_ is/are allowed.

4)  Claim(s) 1-2 is/are rejected.

5)  Claim(s) \_\_\_\_ is/are objected to.

6)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

7)  The specification is objected to by the Examiner.

8)  The drawing(s) filed on 10/2/18 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**

9)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
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.

**Contact Information**

Examiner's Telephone Number: (571)272-0786  
Examiner's Typical Work Schedule: 7:30-6:00pm

Supervisor's Name: Gary Benzion Supervisor's Telephone Number: 571-272-0782

<b>Attachment(s)</b> 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ .	3) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ . 4) <input type="checkbox"/> Other: ____ .
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<b><i>First Action Interview Pilot Program Pre-Interview Communication</i></b>	<b>Application No.</b> 16/150,185	<b>Applicant(s)</b> Ju et al.	
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**Notification of Rejection(s) and/or Objection(s)**

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	1-2	US 9,719,139	Double patenting	Claims 1-2 are rejected on the ground of nonstatutory double patenting rejection as being unpatentable over claim 1 of U.S. Patent No. 9,719,139. Although the claims at issue are not identical, they are not patentably distinct from each other (see below)

**Expanded Discussion/Commentary**

1				because they both claim a nucleotide having identical formula where R can be MOM (see Figure 7) and therefore is not a -CH <sub>2</sub> CH=CH <sub>2</sub> group. And OR is not a methoxy group or an ester group.

**DATE:**  
14 February 2019

/JEZIA RILEY/  
Primary Examiner, Art Unit 1637