

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Horst OLSCHESKI et al.  
Title: TREPROSTINIL ADMINISTRATION USING A  
METERED DOSE INHALER  
Appl. No.: 11/748,205  
Filing Date: 5/14/2007  
Examiner: Weldon P. Phillips Jr.  
Art Unit: 4121  
Confirmation Number: 6003

**DECLARATION UNDER 37 C.F.R. § 1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

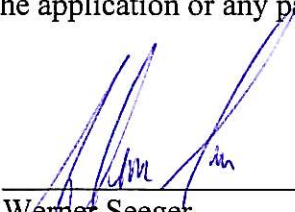
I, Werner Seeger hereby declare and say that:

1. I am a citizen of Germany.
2. I am a co-inventor of the subject matter presently claimed in the above-captioned application.
3. I am able to read and understand the English language when it is written.
4. I am familiar with Voswinckel *et al.* "Inhaled Treprostinil for Treatment of Chronic Pulmonary Arterial Hypertension", *Annals of Internal Medicine* Vol. 144, pages 149-150, 2006 (hereafter "Voswinckel article"), that is cited in the Office Action mailed on April 15, 2009, and how the results described in the Voswinckel

article were generated. I am also familiar with the currently pending claims in the above-captioned application.

5. I understand that an inventor is one who contributes to conception of what is being claimed in the above-captioned application, which courts have paraphrased as “the formation in the mind of the inventor of a definite and permanent idea of the complete and operative invention as it is thereafter to be applied in practice.” I further understand that a person who performs work to confirm someone else’s idea is not an inventor, unless that person also contributed to the conception of the invention.
6. Hossein A. Ghofrani and Friedrich Grimminger, that are properly listed as co-authors on the Voswinckel article because of their contributions to the Voswinckel article, did not contribute to conception of the presently claimed invention, so they are not co-inventors of the present claims in this application.
7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

14/7/2009  
Date

  
Werner Seeger