

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of :
Thomas Gant : Confirmation No. 4598
U.S. Patent Application No. 12/562,621 : Group Art Unit: 1625
Filed: September 18, 2009 : Examiner: Desai, Rita J.

TITLE: BENZOQUINOLINE INHIBITORS OF VESICULAR MONOAMINE
TRANSPORTER 2

REPLY TO REQUIREMENT FOR RESTRICTION AND ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated February 3, 2012, having a shortened statutory period for reply which expired on March 3, 2012.

Authorization is hereby given to treat this and any future reply, which requires or might require a petition for an extension of time under 37 CFR § 1.136(a) for its timely submission or payment of fee, as incorporating a petition for extension of time for the appropriate length of time and an authorization to pay any required fees from Deposit Account No. 50-4296.

Claim amendments are presented on page 2 of this paper.

Remarks are presented on page 4 of this paper.

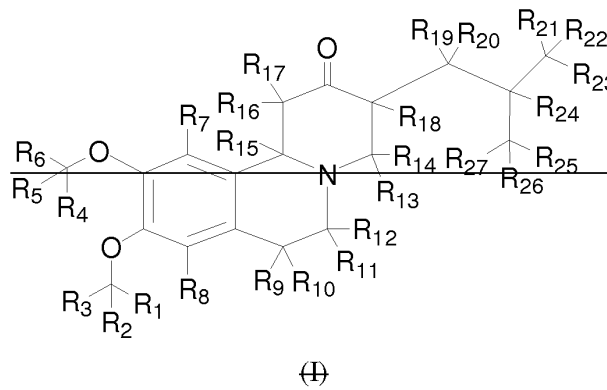
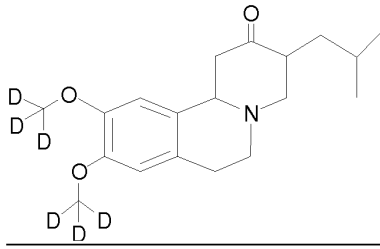
Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

What is claimed is:

1. (Currently Amended) A compound of ~~having the structural formula:~~ having the structural formula: I



(I)

or a salt thereof, ~~wherein:~~

~~R₁-R₂₇ are independently selected from the group consisting of hydrogen and deuterium; and~~

~~at least one of R₁-R₂₇ is deuterium.~~

2-7. (Canceled)

8. (Currently Amended) The compound as recited in Claim 7 1 wherein each position represented as D has deuterium enrichment of no less than about 10%.
9. (Currently Amended) The compound as recited in Claim 7 1 wherein each position represented as D has deuterium enrichment of no less than about 50%.

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10. (Currently Amended) The compound as recited in Claim 7 1 wherein each position represented as D has deuterium enrichment of no less than about 90%.
11. (Currently Amended) The compound as recited in Claim 7 1 wherein each position represented as D has deuterium enrichment of no less than about 98%.
- 12-14. (Canceled)
15. (Original) A pharmaceutical composition comprising a compound as recited in Claim 1 together with a pharmaceutically acceptable carrier.
- 16-33. (Canceled)

Remarks

Claim Amendment

Claims 1 and 8-11 are currently amended. Claim 15 is as originally presented. Claims 2-7, 12-14, and 16-33 are canceled. No new matter has been added. After entry of the above amendment, claims 1, 8-11, and 15 are pending.

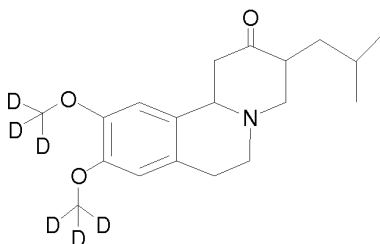
Requirement for Restriction

This action requires restriction under 35 U.S.C. 121 among Groups I and II. Applicant respectfully elects, with traverse, Group I.

Applicant traverses the restriction requirement because there would be no serious burden on the examiner if restriction between Groups I and II is not required. MPEP 808.02. Although Groups I and II may be separately classified as compounds and compositions and methods of use, the method claims of Group II recite methods of using the compounds and compositions of Group I. Accordingly, any search which would identify compounds and compositions of Group I would also identify any methods of use thereof, such compounds, compositions, and methods being disclosed in the same references

Election of Species

In response to the election of species requirement under 35 U.S.C. 121, applicant provisionally elects, for search purposes only, the compound of Example 2, page 32, 3-Isobutyl-9,10-d₆-dimethoxy-3,4,6,7-tetrahydro-1H-pyrido[2,1-a]isoquinolin-2(1H)-one (d₆-tetrabenazine), the structure of which is:



Claims 1, 8-11, and 15 read upon the elected species and compositions thereof.

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It is respectfully submitted that the claims have been put in condition for allowance. Notification to this effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

March 26, 2012

Date

/Dennis A. Bennett/

Dennis A. Bennett, Reg. No. 34,547

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