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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY, DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 61/207,481, 02/12/2009, 245, U 017610-2

CONFIRMATION NO. 6161

FILING RECEIPT

140
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023



Date Mailed: 03/31/2009

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Gerald Horn, Deerfield, IL;

Power of Attorney:

John Richards--31053

If Required, Foreign Filing License Granted: 03/31/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 61/207,481

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Topical vasoconstrictor composition and methods of using the same

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international

patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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021209

Practitioner's Docket No. U 017610-2

PATENT

**U.S. PTO
61/207481
02/12/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Gerald HORN**

For: **TOPICAL VASOCONSTRICTOR COMPOSITION AND METHODS OF USING THE SAME**

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

Optional Customer No. Bar Code

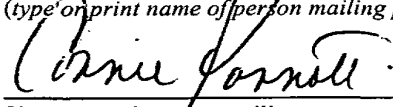

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PATENT TRADEMARK OFFICE

**COVER SHEET FOR FILING PROVISIONAL APPLICATION
(37 C.F.R. § 1.51(c)(1))**

WARNING: *"A provisional application must also include the cover sheet required by § 1.51(c)(1) or a cover letter identifying the application as a provisional application. Otherwise, the application will be treated as an application filed under paragraph (b) [nonprovisional application] of this section." 37 C.F.R. § 1.53(c)(1).. See also M.P.E.P. § 201.04(b), 6th ed., rev. 3.*

CERTIFICATION UNDER 37 C.F.R. 1.10*
*(Express Mail label number is mandatory.)
(Express Mail certification is optional.)*

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on **FEBRUARY 12, 2009** in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 Mailing Label Number **EV 926 371 683 US** addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

NOTE: "A complete provisional application does not require claims since no examination on the merits will be given to a provisional application. However, provisional applications may be filed with one or more claims as part of the application. Nevertheless, no additional claim fee or multiple dependent claims fee will be required in a provisional application." Notice of December 5, 1994, 59 FR 63951, at 63953.

"Any claim filed with a provisional application will, of course, be considered part of the original provisional application disclosure." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

NOTE: "A provisional application is not entitled to the right of priority under 35 U.S.C. 119 or 365(a) or § 1.55, or to the benefit of an earlier filing date under 35 U.S.C. 120, 121 or 365(c) or § 1.78 of any other application. No claim for priority under § 1.78(a)(3) may be made in a design application based on a provisional application. No request under § 1.293 for a statutory invention registration may be filed in a provisional application. The requirements of §§ 1.821 through 1.825 regarding application disclosures containing nucleotide and/or amino acid sequences are not mandatory for provisional applications." 37 C.F.R. 1.53(c)(3).

NOTE: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d). "Any information disclosure statements filed in a provisional application would either be returned or disposed of at the convenience of the Office." Notice of December 5, 1994, 59 FR 63591, at 63594.

NOTE: "No amendment other than to make the provisional application comply with the patent statute and all applicable regulations, may be made to the provisional application after the filing date of the provisional application." 37 C.F.R. § 1.53(c).

NOTE: 35 U.S.C. 119(e) provides that "[i]f the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal Holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day."

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 C.F.R. § 1.51(c)(1)(i).

1. The following comprises the information required by 37 C.F.R. § 1.51(c)(1):
2. The name(s) of the inventor(s) is/are (37 C.F.R. § 1.51(c)(1)(ii)):

NOTE: "If the correct inventor or inventors are not named on filing, a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship." 37 C.F.R. § 1.48(f)(2).

NOTE: "The naming of inventors for obtaining a filing date for a provisional application is the same as for other applications. A provisional application filed with the inventors identified as 'Jones et al.' will not be accorded a filing date earlier than the date upon which the name of each inventor is supplied unless a petition with the fee set forth in § 1.17(i) is filed which sets forth the reasons the delay in supplying the names should be excused. Administrative oversight is an acceptable reason. It should be noted that for a 35 U.S.C. 111(a) application to be entitled to claim the benefit of the filing date of a provisional application the 35 U.S.C. 111(a)[.] application must have at least one inventor in common with the provisional application." Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,209.

The term "invention" is typically used to refer to subject matter which applicant is claiming in his/her application. Because claims are not required in a provisional application, it would not be appropriate to reference joint inventors as those who have made a contribution to the "invention" disclosed in the provisional application. If the "invention" has not been determined in the provisional application because no claims have been presented, then the name(s) of those person(s) who have made a contribution to the subject matter disclosed in the provisional application should be submitted. Section 1.45(c) states that "if multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application." All that § 1.45(c) requires is that if someone is named as an inventor, that person must have made a contribution to the subject matter disclosed in the provisional application. When applicant has determined what the invention is by the filing of the 35 U.S.C. 111(a) application, that is the time when the correct inventors must be named. The 35 U.S.C. 111(a) application must have an inventor in common with the provisional application in order for the 35 U.S.C. 111(a) application to be entitled to claim the benefit of the provisional application under 35 U.S.C. 119(e). Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,208.

See 37 C.F.R. § 1.53.

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