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March 11, 2022

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APPLICATION NUMBER: 15/353,899 FILING DATE: November 17, 2016



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
15/353,899	11/17/2016	Carl H. June	046483-6001US14(01102)	4133	
	7590 05/11/2018 1stein & Lehr LLP (Philad	EXAMINER			
Attn: Patent Do	eket Clerk	BURKHART, MICHAEL D			
Centre Square West 1500 Market Street, 38th Floor			ARTUNIT	PAPER NUMBER	
	Philadelphia, PA 19102-2186			1633	
	A 19102-2186		1633		
	A 19102-2186		1633 NOTIFICATION DATE	DELIVERY MODE	

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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		Application No. 15/353,899	Applicant(s) JUNE ET AL.	
Office Action Summ	nary	Examiner Michael Burkhart	Art Unit 1633	AIA (First Inventor to File Status No
- The MAILING DATE of this c Period for Reply	communication	appears on the cover sheet w	ith the corresponde	nce address
A SHORTENED STATUTORY PE THIS COMMUNICATION. - Extensions of time may be available under the after SIX (6) MONTHS from the mailing date o - If NO period for reply is specified above, the m - Failure to reply within the set or extended perior Any reply received by the Office later than thre earned patent term adjustment. See 37 CFR 1	provisions of 37 CFF f this communication. aximum statutory per od for reply will, by sta e months after the m	R 1.136(a). In no event, however, may a riod will apply and will expire SIX (6) MOI atute, cause the application to become A	reply be timely filed NTHS from the mailing date BANDONED (35 U.S.C. § 1	of this communication.
Status				
 Responsive to communication A declaration(s)/affidavit(s) 		the second se		
		This action is non-final.		
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closed in accordance with th	e practice uno	er Ex parte Quayle, 1935 G.L	0.11,455 0.0.213)_
Disposition of Claims*		Yeras		
 5) Claim(s) <u>1-28</u> is/are pending 5a) Of the above claim(s) 				
6) Claim(s) is/are allowe	the second se	urawit itoiti consideration.		
7) Claim(s) 1-28 is/are rejected				
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Application/Control Number: 15/353,899 Art Unit: 1633

DETAILED ACTION

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

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, 365(c), or 386(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of 35 U.S.C. 112(a) or the first paragraph of pre-AIA 35 U.S.C. 112, except for the best mode requirement. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994)

The disclosure of the prior-filed application, Application No. 61/421,470, fails to provide adequate support or enablement in the manner provided by 35 U.S.C. 112(a) or pre-AIA 35 U.S.C. 112, first paragraph for one or more claims of this application. The '470 application does not disclose memory T cells comprising the instant CAR or a nucleic acid encoding such. Therefore, claims 1-14 are granted a priority date of 6/29/2011, the filing date of the 61/502,649 application which does disclose such memory cells. Application/Control Number: 15/353,899 Art Unit: 1633

Claim Rejections - 35 USC § 102

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

form 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.

Claim(s) 15-28 is/are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by

Imai et al (2004, Leukemia, of record).

Imai et al teach T cells from patients with leukemia modified to express a CAR comprising a CD19-specific scFv, a CD8 transmembrane and hinge domain, a 41BB costimulatory region and a CD3zeta signaling domain. See Figure 1 and p. 677, first col., first ¶ and ¶ bridging first and second cols. The cells comprised a vector (nucleic acid) encoding the CAR (p. 677). The instant specification does not provide a limiting definition for the phrase "persisting population". The T cells of Imai et al could persist and continue to expand for at least three weeks (p. 681, ¶ linking first and second cols.) and are thus considered a "persisting population."

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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