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APPLICATION NUMBER: 14/997,136

FILING DATE: January 15, 2016 PATENT NUMBER: 9540445 ISSUE DATE: January 10, 2017



Certified by

Andrew laner

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/997,136	01/15/2016	Carl H. June	046483-6001US13(01088)	4164
	78905 7590 04/21/2016 Saul Ewing LLP (Philadelphia)		EXAMINER	
Attn: Patent Docket Clerk			BURKHART, MICHAEL D	
Centre Square \			ART UNIT PAPER NUMBE	
	reet, 38th Floor			
Philadelphia, P.	A 19102-2186		ART UNIT	
			NOTIFICATION DATE	DELIVERY MODE
			04/21/2016	ELECTRONIC

# 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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The Contract of the Contract	Application No. 14/997,136		Applicant(s) JUNE ET AL.	
Office Action Summary	Examiner Michael Burkhart	Art Unit 1633	AIA (First Inventor to File) Status No	
The MAILING DATE of this communi	cation appears on the cover sheet w	vith the corresponde	nce address	
Period for Reply  A SHORTENED STATUTORY PERIOD FOR THIS COMMUNICATION.  - Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this communication of the provision of the provisi	of 37 CFR 1,136(a). In no event, however, may a unication. tutory period will apply and will expire SIX (6) MOI will, by statute, cause the application to become A	reply be timely filed  NTHS from the mailing date BANDONED (35 U.S.C. § 1	of this communication.	
earned patent term adjustment. See 37 CFR 1.704(b).				
Status  1) Responsive to communication(s) file	don			
A declaration(s)/affidavit(s) under 3				
	(b) This action is non-final.	<del></del>		
3) An election was made by the applica		rement set forth du	ring the interview on	
그는 어디 아들이 아이들이 보고 하기 중에게 하고 있어. 아이들은 사람들에게 하셨다고 다섯 명, 이 되었다.	nd election have been incorporated		and monitoration of	
4) Since this application is in condition if			s to the merits is	
closed in accordance with the practic	물론 마스타이 그들은 이 사람들은 사람들이 가장하게 되었다. 그렇지 않는데 다 먹었다.	, 40 없이 1500 원생님은 그렇다 그렇다 그림		
Disposition of Claims*	December Transport of States And and Andrews (2007)			
5)⊠ Claim(s) <u>90-119</u> is/are pending in the	application			
5a) Of the above claim(s) is/ar				
6) Claim(s) is/are allowed.	e William Holli consideration.			
7)⊠ Claim(s) <u>90-119</u> is/are rejected.				
8) Claim(s) is/are objected to.				
9) Claim(s) are subject to restrict	tion and/or election requirement.			
If any claims have been determined allowable, you		tent Prosecution Hic	nhwav program at a	
participating intellectual property office for the corres			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
http://www.uspto.gov/patents/init_events/pph/index.	아이 맛집에야 하다 그렇게 맛있다면서 하는 맛있었다. 맛나, 어떻게 뭐			
Application Papers				
10) The specification is objected to by the	Examiner			
11) The drawing(s) filed on is/are:		by the Examiner		
Applicant may not request that any object	그리아 그리고 하고 그리고 그리아 그리아 있는데 그 전 등록 경우 그리다고 있는데 그리다 것		35(a).	
Replacement drawing sheet(s) including	경기는 시간 사이를 하나 내는 사람이 되고 있다면 그 사이를 하셨다.		V a feet and a second and a second as	
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim f	or foreign priority under 25 U.S.C.	8 110/a) /d) or /f)		
Certified copies:	or loreign priority under 35 0.5.6.	9 119(a)-(u) or (i).		
a) All b) Some** c) None of t	he.			
	documents have been received.			
2. Certified copies of the priority		Application No.		
	of the priority documents have bee			
	nal Bureau (PCT Rule 17.2(a)).	Trocorrod III allo II	anorial olago	
* See the attached detailed Office action for a list o				
Attachment(s)				
1) Notice of References Cited (PTO-892)	3) Interview	Summary (PTO-413)		
2) X Information Disclosure Statement(s) /PTO/SR/08a a	Paper No.	(s)/Mail Date,		



### 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, or 365(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 Nos. 61/502,649 and 61/421,470, fail 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 '649 and '470 applications do not disclose any of the SEQ ID NOs recited in the claims. The first disclosure of such SEQ ID NOs was in PCT/US11/64191, thus, the benefit of priority for the claims is given to the filing date of the application, 12/9/2011.



Art Unit: 1633

## Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 94 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Claim 94 recites the limitation "the scFv" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### Double Patenting

Claims 90, 93, 95-115 of this application are patentably indistinct from claims 90-92, 94-113 of Application No. 14/997,042. Pursuant to 37 CFR 1.78(f) or pre-AIA 37 CFR 1.78(b), when two or more applications filed by the same applicant contain patentably indistinct claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the patentably indistinct claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and



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