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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
13/901,437 05/23/2013 Giorgio Calderari 23278.2.US.8 8160

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PATENT CORRESPONDENCE
ARNALL GOLDEN GREGORY LLP
171 17TH STREET NW
SUITE 2100
ATLANTA, GA 30363

EXAMINER

GEMBEH, SHIRLEY V

ART UNIT PAPER NUMBER

1628

NOTIFICATION DATE DELIVERY MODE

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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):

patents@agg.com

Dr. Reddy's Laboratories, Ltd., et al.
v.
Helsinn Healthcare S.A., et al.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
13/901,437	23 May, 2013	CALDERARI ET AL.	23278.2.US.8

PATENT CORRESPONDENCE ARNALL GOLDEN GREGORY LLP 171 17TH STREET NW SUITE 2100 ATLANTA, GA 30363	EXAMINER	
	RICHARD ELLIS	
	ART UNIT	PAPER
	OPIM	A-36051

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached is a communication to applicant explaining that the instant application is being identified as a pre-AIA application despite applicant's statement under 37 CFR 1.55 or 1.78 made in the instant application, either on the Application Data Sheet (ADS) or in an otherwise filed paper.

**Application Identified as a Pre-AIA Application
Despite the 37 CFR 1.55 or 1.78 Statement of Record**

The statement under 37 CFR 1.55 or 1.78 (“the 1.55/1.78 statement”) and the domestic benefit/national stage information in this application conflict as to whether this application is to be examined under the AIA (First Inventor to File) or pre-AIA (First to Invent) law.

This application, with a filing date on or after March 16, 2013, contains the 1.55/1.78 statement indicating that this application should be examined under the AIA (First Inventor to File). This statement was either (1) on the Application Data Sheet (ADS) by virtue of the 1.55/1.78 statement for AIA (First Inventor to File) Transition Applications check box being selected or (2) in an otherwise filed paper. The 1.55/1.78 statement provided:

This application * * * contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

However, this application is separately identified in the Domestic Benefit/National Stage Information section of the ADS as a continuation (CON) or divisional (DIV) of an application filed before March 16, 2013, indicating that this application should be examined under pre-AIA (First to Invent) law because it does not contain, or did not contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. DUE TO THIS APPLICATION BEING IDENTIFIED AS A CONTINUATION OR DIVISIONAL OF AN APPLICATION FILED BEFORE MARCH 16, 2013, THIS APPLICATION IS BEING IDENTIFIED AS A PRE-AIA (FIRST TO INVENT) APPLICATION DESPITE THE 1.55/1.78 STATEMENT OF RECORD.

Accordingly, this application is/will be examined under pre-AIA (First to Invent) law; all forthcoming Office actions on the merits will be labeled “**AIA (First Inventor to File) Status: No**” (see upper right box on form PTOL-37/37D and/or PTOL-326/326AE).

Moreover, if applicant has received any Office action on the merits, which identified the instant application as “**AIA (First Inventor to File) Status: Yes,**” said Status information was in error and is hereby corrected to “**No**” to indicate that that the present application is a pre-AIA (First to Invent) application.

NO RESPONSE TO THIS COMMUNICATION IS REQUIRED UNLESS APPLICANT BELIEVES THAT THE APPLICATION CONTAINS, OR EVER CONTAINED A CLAIM TO A CLAIMED INVENTION HAVING AN EFFECTIVE FILING DATE ON OR AFTER MARCH 16, 2013 AND IS AN AIA (FIRST INVENTOR TO FILE) APPLICATION.

If applicant believes that the application is an AIA (First Inventor to File) application, applicant must file a corrected ADS (with appropriate markings as set forth in 37 CFR 1.76(c)(2)) identifying the instant application as a **continuation-in-part (CIP)** application in the Domestic Benefit/National Stage Information section of the ADS and request in writing that the application

be examined under the AIA (First Inventor to File) because the identification of the application as a CON/DIV application on filing was an error. IN THIS SITUATION, APPLICANT'S RESPONSE IS DUE WITHIN TWO MONTHS OF THE MAILING DATE OF THIS COMMUNICATION; THE RESPONSE PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136.

Questions regarding this communication may be directed to a TC AIA Specialist as appropriate.

Technology Center	TC AIA Specialist	Contact Information
1600, 1700, 2900	Kathleen Bragdon	(571) 272-0931
2100, 2400	Christopher Grant	(571) 272-7294
2600, 2800	Cassandra Spyrou	(571) 272-1624
3600, 3700	Tom Hughes	(571) 272-4357