

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Giorgio CALDERARI et al. ) Group Art Unit: 1629  
)  
Application No.: 13/901,830 ) Examiner: Not Yet Assigned  
)  
Filed: May 24, 2013 ) Examiner in Parent: Shirley V. GEMBEH  
)  
For: LIQUID PHARMACEUTICAL ) Confirmation No.: 3806  
FORMULATIONS OF )  
PALONOSETRON )

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

Commissioner:

**SUBSTANCE OF THE INTERVIEW**

Pursuant to 37 C.F.R. § 1.133 and MPEP § 713.04, Applicants herein provide a written statement as to the substance of the in-person interview conducted on June 13, 2013, between Applicants' representatives, Clark Sullivan, Mariagrazia Zotti, Amanda Murphy, and Tom Irving, and Examiner Gembeh and her supervisor Brandon Fetterolf.

MPEP § 713.04 provides the following guidelines:

**(A) a brief description of the nature of any exhibit shown or any demonstration conducted:**

Applicants' representatives showed slides that were attached to the Examiner's Interview Summary, and are attached again. In addition, Applicants' representatives provided a binder to each of the Examiners containing the

Dr. Reddy's Laboratories, Ltd., et al.  
v.  
Helsinn Healthcare S.A., et al.  
U.S. Patent No. 9,151,416

evidence and allegations of the alleged on-sale bar from the pending related litigation, which were also previously filed in an Information Disclosure Statement;

**(B) identification of the claims discussed:**

all claims were discussed;

**(C) identification of specific prior art discussed:**

the alleged on-sale bar allegations and evidence from the pending related litigation were discussed;

**(D) identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary form completed by the examiner:**

no amendments were proposed;

**(E) the general thrust of the principal arguments of the applicant and the examiner should also be identified, even where the interview is initiated by the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner:**

Applicants' representatives explained why the allegations of on-sale bar are erroneous, as set forth in the slides;

**(F) a general indication of any other pertinent matters discussed:**

Applicants' representatives explained the previously filed Information Disclosure Statement. The Examiners also requested appropriate Terminal Disclaimers, and such disclaimers have been filed. In addition, there was a general discussion of other co-pending related applications;

**(G) if appropriate, the general results or outcome of the interview:**

As reflected in the Examiner's Interview Summary, the Examiners agreed that the on-sale allegations do not apply to this JMM ("Jedi Master Mixer") application. See also "Examination Guidelines for Implementing the First Inventor to File Provisions of the Leahy-Smith America Invents Act," Federal Register/Vol. 78, No. 31/Thursday, February 14, 2013/Rules and Regulations 11059, at 11062, 11084, n. 8. The Examiners also agreed to consider the Terminal Disclaimers;


**(H) in the case of an interview via electronic mail, a paper copy of the Internet e-mail contents MUST be made and placed in the patent application file as required by the Federal Records Act in the same manner as an Examiner Interview Summary Form, PTOL 413, is entered:**

Because the interview was conducted in person, this element is not applicable.

Applicants believe the claims are in condition for allowance. If there are any fees due in connection with the filing of this Substance of the Interview, please charge the fees to Deposit Account 504667.

Respectfully submitted,

ARNALL GOLDEN GREGORY LLP

By:   
Clark G. Sullivan  
Reg. No. 36,942

ARNALL GOLDEN GREGORY LLP  
(404) 873-8500  
(404) 873-8501 (fax)  
Customer No.: 53449

Attorney Docket No.: 23278.2.US.9

# ATTACHMENT

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