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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/249,275	01/16/2019	Michael Soeberdt	47TER10003VA	9044
25006 7590 09/19/2019 DINSMORE & SHOHL LLP			EXAMINER	
900 Wilshire Drive			GARYU, LIANKO G	
Suite 300 TROY, MI 480	84		ART UNIT	PAPER NUMBER
			1658	
			NOTIFICATION DATE	DELIVERY MODE
			09/19/2019	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):

MichiganPatTM@dinsmore.com

	Application No.Applicant(s)16/249,275Soeberdt et al.		
Office Action Summary	Examiner	Art Unit	AIA (FITF) Status
	Lianko G Garyu	1658	Yes
The MAILING DATE of this communication app Period for Reply	bears on the cover sheet with the c	correspondenc	ce address
A SHORTENED STATUTORY PERIOD FOR REPL DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin adjustment. See 37 CFR 1.704(b).	G(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed after SIX (the mailing date of ED (35 U.S.C. § 133	6) MONTHS from the mailing i this communication. 3).
Status			
1) Responsive to communication(s) filed on <u>08 M</u>			
A declaration(s)/affidavit(s) under 37 CFR 1 .			
,,	This action is non-final.		
3) An election was made by the applicant in resp	have been incorporated into this	action.	-
4) Since this application is in condition for allowal closed in accordance with the practice under A			o the merits is
Disposition of Claims*			
5) 🗹 Claim(s) <u>1-14</u> is/are pending in the applic	cation.		
5a) Of the above claim(s) is/are withdra	wn from consideration.		
6) 🔲 Claim(s) is/are allowed.			
7) 😨 Claim(s) 1-14 is/are rejected.			
8) Claim(s) is/are objected to.			
9) Claim(s) are subject to restriction and	d/or election requirement		
* If any claims have been determined <u>allowable</u> , you may be el	•	secution High	way program at a
participating intellectual property office for the corresponding a	pplication. For more information, plea	ase see	
http://www.uspto.gov/patents/init_events/pph/index.jsp or send	I an inquiry to PPHfeedback@uspto	.gov.	
Application Papers			
10) The specification is objected to by the Examine	er.		
11) The drawing(s) filed on is/are: a) ac		e Examiner	
Applicant may not request that any objection to the c			
Replacement drawing sheet(s) including the correcti			
			~ /
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreigr	priority updor 35 U.S.C. & 119(a	(d) or (f)	
Certified copies:		(l)-(l) 01 (l).	
a) I All b) Some** c) None of th	ne:		
1. Certified copies of the priority docum			
2. Certified copies of the priority docum		cation No	
 Copies of the certified copies of the p application from the International Bur 	eau (PCT Rule 17.2(a)).	eived in this is	lational Stage
** See the attached detailed Office action for a list of the certif	ied copies not received.		
Attachment(s)			
1) 💽 Notice of References Cited (PTO-892)	3) 🗌 Interview Summar		
 Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/S Paper No(s)/Mail Date 3/8/19 	Paper No(s)/Mail E SB/08b) 4) Other:	Date	
OCKET			
	cuments without watermarks at g	docketalarm.o	<u>com</u> .

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined

under the first inventor to file provisions of the AIA.

Status of Claims

Claims 1-14 are pending and under examination.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C.

119 (a)-(d). Receipt is acknowledged of certified copies of papers required by 37 CFR

1.55.

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Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 8, 2019 complies

with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is

being considered by the examiner.

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.

Claims 8, 9 and 11-14 are 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.

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Claims 8, 9, and 11 recite the limitation "wherein the inflammatory disease" in line 1 of the claims. There is insufficient antecedent basis for the limitation in the claims because there are multiple recitations of inflammatory diseases (i.e., acute and chronic) previously recited and it is unclear if the reference to inflammatory disease refers to acute inflammatory disease, chronic inflammatory disease or both. Claim 12 which depends from claim 11 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as this claim incorporates by dependency the indefiniteness of claim 11.

Claim 13 recites the limitations "method of claim 10" and "the inflammatory bowel disease" in line 1. There is insufficient antecedent basis for these limitations in the claim because claim 10 is not a method claim and there is no earlier recitation of an inflammatory bowel disease.

Claim 14 recites the limitations "method of claim 10" and "the inflammatory bowel of the gastrointestinal tract" in lines 1-2. There is insufficient antecedent basis for these limitations in the claim because claims 10 is not a method claim and there is no earlier recitation of an inflammatory disease of the gastrointestinal tract.

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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The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims the examiner presumes that the subject matter of the various claims was commonly owned as of the effective filing date of the claimed invention(s) absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and effective filing dates of each claim that was not commonly owned as of the effective filing date of the later invention in order for the examiner to consider the applicability of 35 U.S.C. 102(b)(2)(C) for any potential 35 U.S.C. 102(a)(2) prior art against the later invention.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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