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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/569,159	09/12/2019	Nora KHALDI	048262-091330USD1	8412
50828	7590	06/25/2021	EXAMINER	
DAVID S. RESNICK NIXON PEABODY LLP EXCHANGE PLACE, 53 STATE STREET BOSTON, MA 02109			KOMATSU, LI N	
			ART UNIT	PAPER NUMBER
			1658	
			NOTIFICATION DATE	DELIVERY MODE
			06/25/2021	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):

bostonpatent@nixonpeabody.com
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Office Action Summary

Application No.

16/569,159

Applicant(s)

KHALDI et al.

Examiner

LI N KOMATSU

Art Unit

1658

AIA (FITF) Status

Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/3/2021.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) Claim(s) 1-8 and 12-25 is/are pending in the application.
5a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-8, 12 and 20-25 is/are rejected.
- 8) Claim(s) 1,4,12 and 22-24 is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 11/19/2019 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) All b) Some** c) None of the:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 5/10/2021 and 6/16/2021
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 4) Other: _____

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Amendment after Non-final office action filed on 6/3/2021 is acknowledged.
3. Claims 9-11 have been cancelled.
4. New claims 21-25 have been added.
5. Claims 1-8 and 12-25 are pending in this application.
6. Claims 13-19 remain withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to non-elected inventions, there being no allowable generic or linking claim.
7. Applicant elected **without traverse** of Group 1 (claims 1-12 and 20) and elected the peptide of SEQ ID NO: 423 (identical to the peptide of instant SEQ ID NO: 344) as species of peptide; and powder as species of form of the composition in the reply filed on 1/19/2021.

Restriction requirement was deemed proper and made FINAL in the previous office action. Group 1 is drawn to a composition formulated for topical administration, the composition comprising a peptide having up to 50 amino acids and comprising the amino acid sequence of SEQ ID NO: 343 or 344, or an anti-inflammatory variant thereof, wherein the variant comprises no more than 3 amino acid changes compared with the amino acid sequence of SEQ ID NO: 343 or 344; and a personal care composition, or a cosmetic pharmaceutical composition, comprising such composition. A search was conducted on the elected species; and these appear to be free of prior art. A search was extended to the genus in claim 1; and this too appears to be free of

prior art. Therefore, the withdrawn claims 5, 7 and 8 are hereby rejoined. Claims 1-8, 12 and 20-25 are examined on the merits in this office action.

Withdrawn Objections and Rejections

8. Objection to the title is hereby withdrawn in view of Applicant's amendment to the title.

9. Objection to the abstract is hereby withdrawn in view of Applicant's amendment to the abstract.

10. Objection to the specification is hereby withdrawn in view of Applicant's amendment to the specification and Applicant's persuasive arguments.

11. Objection to the drawings is hereby withdrawn in view of Applicant's amendment to the description of the drawings in the specification.

12. Objection to claims 2, 3, 6 and 9-11 is hereby withdrawn in view of Applicant's amendment to the claim.

13. Rejection to claims 1, 2, 6, 9-12 and 20 under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph is hereby withdrawn in view of Applicant's amendment to the claim.

14. Rejection to claims 1-3, 6, 9, 12 and 20 under 35 U.S.C. 102(a)(1) as being anticipated by La Rosa et al (US 2004/0123343 A1) is hereby withdrawn in view of Applicant's amendment to the claim.

Maintained/Revised Objections

15. **(Revised due to Applicant's amendment to the claim)** Claim 1 remains

objected to for the following minor informality: Applicant is suggested to amend claim 1 as "A composition formulated for topical administration, **wherein** the composition **comprises** a peptide **that is up to 50 amino acids in length and comprises** the amino acid sequence of SEQ ID NO: 343 or 344...".

16. **(Revised due to Applicant's amendment to the claim)** Claim 4 remains objected to for the following minor informality: Applicant is suggested to amend claim 4 as "... wherein the peptide **consists of** the amino acid sequence of SEQ ID NO: 343 or 344".

Response to Applicant's Arguments

17. Applicant fails to address all the minor issues in instant claims 1 and 4.

Therefore, these objections are deemed proper and are hereby maintained.

Maintained/Revised Rejections

Claim Rejections - 35 U.S.C. § 112 paragraph (a)

Written Description

18. The following is a quotation of 35 U.S.C. 112(a):
(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), first paragraph:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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