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32425	7590	03/17/2023	EXAMINER	
NORTON ROSE FULBRIGHT US LLP			SCHLIENTZ, LEAH H	
98 SAN JACINTO BOULEVARD			ART UNIT	
SUITE 1100			PAPER NUMBER	
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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.

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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.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/2023 has been entered.

Status of Claims

Claims 1-10, 12, 14 and 16 have been amended. Claims 1-20 and 30-35 are pending and are examined herein on the merits for patentability.

Response to Arguments

Applicant's arguments have been fully considered. The rejections have been modified. The Examiner's response to Applicant's arguments are incorporated below.

Claim Rejections - 35 USC § 103

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.

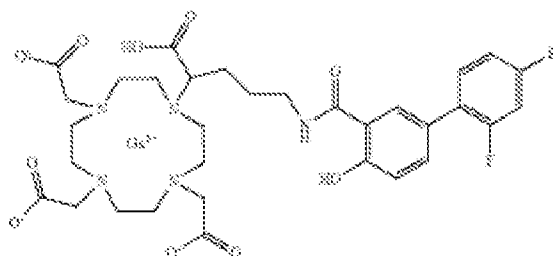
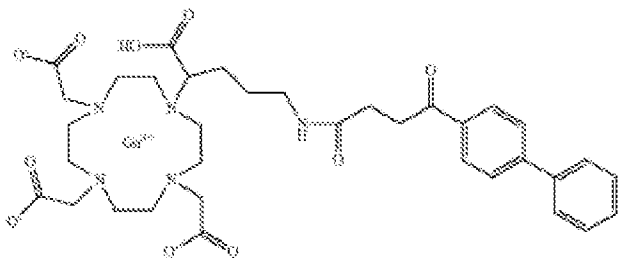
The factual inquiries for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

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

Claim 1-14, 16-19 and 32-34 are rejected under 35 U.S.C. 103 as being unpatentable over Port *et al.* (US 2011/0092806) in view of Marnett (US 2005/0002859).

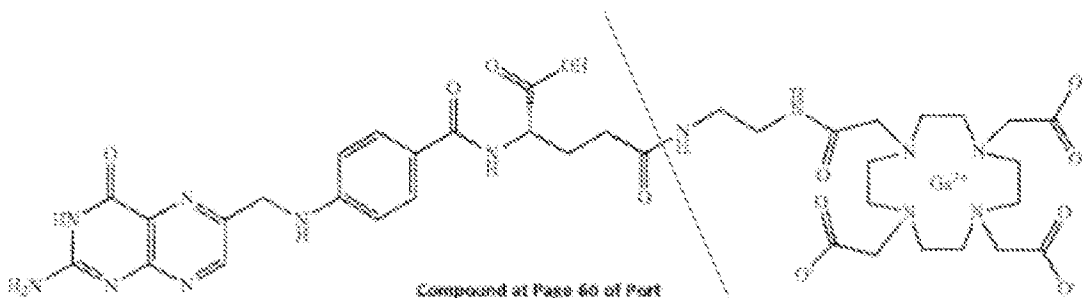
Port teaches the synthesis of a compound (B-Ch) by coupling a biovector to a linear or macrocyclic chelate; the complexation of the compound (B-Ch) with gallium Ga68 (paragraph 0024). Various biovectors, linkers and chelates are taught on pages 2-11, including a biovector for targeting a biological target associated with a pathology, in particular chosen from enzymes (metalloproteases, COX, tyrosine kinase), etc.

Exemplary compounds are shown on pages 50 and 53, including fenbufen and diflunisal conjugates:



Port does not specifically exemplify a compound according to Formula I as claimed, including a gadolinium ion and the linker as claimed.

However, DOTA conjugates featuring the claimed linker (CH₂CONHCH₂CH₂) are taught to be suitable for conjugation between DOTA and biovector (e.g. folic acid).



Further, the teaching is not limited to gallium, a specific contrast product vectorized for PET with Ga68 and a contrast product vectorized for MRI with gadolinium may be used, the biovectors being identical or different (paragraph 0207).

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