

## **REMARKS/ARGUMENTS**

Reconsideration of the Restriction Requirement is respectfully requested in view of the remarks and amendments herewith, which place the application in condition for allowance.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-25 are pending. Claims 1-25 are subject to a Restriction Requirement. Claim 18 has been amended to incorporate the elements of independent claim 1 based on Applicant's election of Group V in response to the Restriction Requirement, as discussed below. Claims 1-17, 20-21, and 23-25 are withdrawn without prejudice based on the Restriction Requirement. Applicant reserves all rights to resubmit all withdrawn claims and/or subject matter again in the future in this, a continuation, a continuation-in-part, or a divisional application. No new subject matter has been introduced by way of these amendments. Reconsideration and withdrawal of the Restriction Requirement are respectfully requested in view of the remarks and amendments herewith, which place the application in condition for allowance.

### **II. RESPONSE TO RESTRICTION REQUIREMENT**

The Restriction Requirement states that the "application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1," and requires the election of a single group as outlined below.

(Restriction Requirement at 3.)

Group I: Claims 1-12, drawn to a method of predicting or diagnosing a refractory shock in a subject.

Group II: Claim 13, drawn to a vasopressor for use in therapy of shock in a subject identified by the method of Group I.

Group III: Claims 14-16, drawn to an inhibitor of the activity of DPP3 for use in therapy of shock in a subject identified by the method of Group I.

Group IV: Claims 17, 20, 21, 23, and 24, drawn to a method for the treatment of shock in a subject comprising administering a vasopressor.

Group V: Claims 18, 19, and 22, drawn to a method for the treatment of shock in a subject comprising administering an inhibitor of DPP3 activity.

Group VI: Claim 25, drawn to a method for prognosing an outcome and/or risk of an adverse event in a subject that has developed refractory shock.

The Restriction Requirement further states that if Groups I, III, or IV are selected, an election of species is required. (Office Action at 4-5.)

As reflected in the amended list of claims, Applicant elects to proceed with Group V, without any waiver of any rights to pursue withdrawn subject matter or claims in this or any continuation, continuation-in-part, or divisional application.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the Restriction Requirement.

### **CONCLUSION**

In view of the above, it is believed that the application is in order for allowance and action to that end is respectfully requested. Should the Examiner be of the opinion that a

telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 50-0320.

Respectfully submitted,

HAUG PARTNERS LLP  
Attorneys for Applicants

By: /Richard F. Kurz/

Richard F. Kurz  
Reg. No. 66,692  
Main: (212) 588-0800  
Direct: (212) 863-2133