

saccharin together with a lactose and a cyclamate. Also enclosed is a copy of United States published application B 439778 (on which it is believed U.S. Patent 4,001,455 was subsequently granted) disclosing and claiming sweetener mixtures again containing saccharin, this time with a dipeptide sweetener. Evidently, the earliest-known sweetener mixture did not exhaust the patentability of such combinations. Rather, because of the unpredictability of the properties of such combinations each must be considered sui generis.

In view of the amendments and arguments above, favorable reconsideration of this application and passage of the application to issue with Claims 7-10 are solicited.

Respectfully submitted,
CURTIS, MORRIS & SAFFORD, P.C.

By _____


Donald R. Bentz
Reg. No. 18,371

DRB:jk

(AC 212 - 682-7171)

23

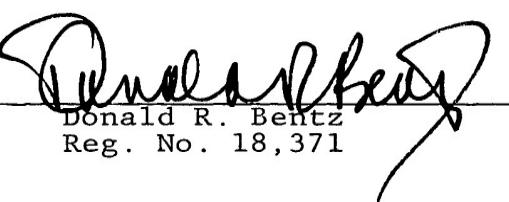
Entry of the proposed Amendment with Claims 11-15, favorable reconsideration of the application, and passage of the application to issue with Claims 11-15 are solicited.

By order of the Commissioner, the filing of this paper automatically extends the time for taking an appeal in this application by one month, i.e. from October 26, 1978 to November 26, 1978.

Respectfully submitted,

CURTIS, MORRIS & SAFFORD, P.C.

By


Donald R. Bentz
Reg. No. 18,371

DRB:jk

(212- 682-7171)

DECLASSIFIED BY ORIGINATING AGENCY

Leek et al, Serial No. 232,250

Turning now to the rejection of the original claims on Haraden in view of Ziemer, it is believed apparent that the claims submitted herewith clearly define over these references in an unobvious sense. The combination of Ziemer and Haraden produces no cavity or recess but merely suggests the creation or superimposition of a shock wave which is nothing more than a common phenomenon. New claim 7 now explicitly defines the inset wall means to distinguish from the actual bore 7 of Haraden and it is evident that the recess thus defined in the claims will tend to trap air in the recess which is clearly not the case with Haraden even as modified by Ziemer.

For the foregoing reasons, it is believed that the present application is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

CUSHMAN, DARBY & CUSHMAN

BY *W. Warren Taltavull*
W. Warren Taltavull
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Washington, D.C. 20006
(861-3000)
WWT:vc

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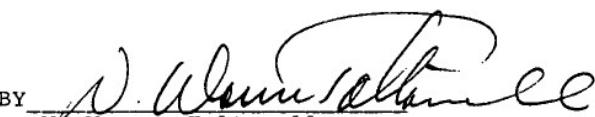
Leek et al, Serial No. 252,230

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and would, more than likely, withdraw the Final Rejection.

An early and favorable action is respectfully solicited.

Respectfully submitted,
CUSHMAN, DARBY & CUSHMAN

BY 
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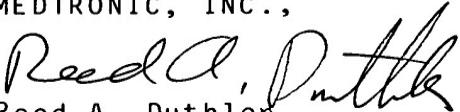
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rejection that by merely substituting Wirtzfeld's venous oxygen sensor for Zacouto's intramyocardiac pressure detector, one would have produced a device according to claim 9, this is simply not true. Mere substitution of Wirtzfeld's blood oxygen sensor would produce a device like Wirtzfeld's which changes its escape interval after pacing in response to measured changes in cardiac output requirements, but does not provide a means for providing pacing pulses on demand at a minimum rate correlated to the cardiac output requirements of the patient.

In view of the above arguments, all claims in the case are believed allowable over the art, as cited in the Official Action. Applicant requests reconsideration of the rejections in the Official Action, in light of the above arguments.

Respectfully submitted,

MEDTRONIC, INC.,


Reed A. Duthler
Reg. No. 30,626
(612) 574-3351

MEDTRONIC, INC.,
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Minneapolis, MN 55440

RAD / smv

heartbeat does not reflect this actual physiological need. Therefore, measuring this heartbeat, as Zacouto does, does not provide a measurement of a parameter indicative of the need for cardiac output, and the Zacouto pacemaker does not thereby vary its rate in correspondence with the patient's need for cardiac output, as required by Claim 6.

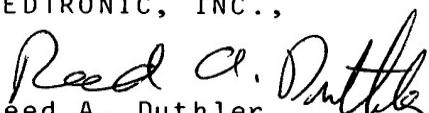
Claims 7, 8, 10, 11 and 12, all dependent from Claim 6, are similarly not believed anticipated by Zacouto.

Claim 9 is a new independent claim which specifies that the measured parameter is a chemical parameter of venous blood which is indicative of need for cardiac output. This claim, including as it does the limitations of original Claim 6, is also believed not anticipated by the Zacouto reference.

Reconsideration of original claims remaining in the case, along with consideration of new claims is respectfully requested.

Respectfully submitted,

MEDTRONIC, INC.,


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(612) 574-3351

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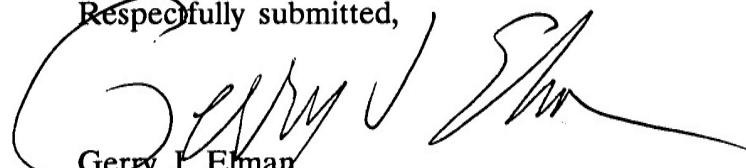
marked copy of the specification on page 8, line 28.

On page 9, line 5 of the specification as filed, a generic description of a monitoring system (such as a conventional alarm) to detect liquid in the containment chamber is provided. It is proposed that Figs. 2 and 4 be amended to show sensors 129, as further described by the added sentence at page 9, line 5 of the marked copy.

The Claims

The claims presented herewith are directed primarily to the embodiment shown in originally filed Figs. 4 and 5. It is submitted that the claims presented herewith define subject matter with the distinctiveness required by 35 U.S.C. § 112 and which meet the tests of patentability required by sections 102 and 103. Accordingly the Examiner is respectfully requested to examine the claims presented herewith and pass the case to issue.

Respectfully submitted,



Gerry J. Elman

Attorney for Applicant
Registration No. 24,404

Elman & Wilf
P.O. Box 703
Media, PA 19063

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Response B

Serial No. 07/286,893 Page 9

storage tank 312. By observing Fig. 1 and Fig. 5 in the originally-filed application, it is obvious to a person skilled in the art to which this invention pertains that the manifold 67 of Fig. 1 may optionally be used to link with another storage tank as shown in Fig. 5 of the originally-filed application. Accordingly, the Examiner is requested to withdraw this objection. It is submitted that there are no outstanding objections to the specification under 35 U.S.C. § 112.

The Examiner has rejected claims 9, 10 and 21 under 35 U.S.C. § 112 in that the recitation of the **annular space** lacks antecedent basis. It is submitted that claims 22 and 27 are not subject to such a rejection, because of the following recitation in subpart (e) of each claim "said inner surface of the secondary pipe and said outer surface of the primary pipe defining an annular space".

The Examiner has rejected claims 18 and 19 under 35 U.S.C. § 112 in that the recitation of the **disconnected end** lacks antecedent basis and **adapted to permit** is unclear. It is submitted that claims 24 and 25 are not subject to a rejection, because they omit any recitation of a disconnected end and of adaptation to permit.

It is accordingly submitted that all bases for rejection of claims under 35 USC § 112 have been overcome.

In view of the above, it is submitted that the claims are in condition for allowance. Allowance of claims 22-29 at an early date is solicited.

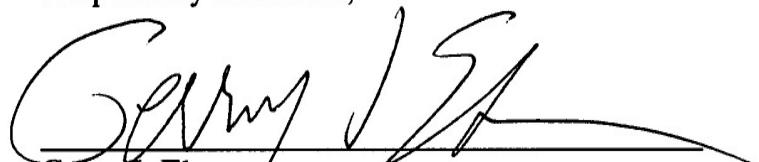
Respectfully submitted,

A. Tankha
Ashok Tankha
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ELMAN & WILF
20 West Third Street
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Media, PA 19063
(215) 892-9580

matter at page S7, line 18. Without prejudice, Applicant cancels the paragraph containing this language.

Accordingly it is respectfully submitted that the objections of the Examiner have been fully met and that the present amendment should be entered.

Respectfully submitted,



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Proposed Count 0-1/Osborne
Claim 71

i) the flexible inner fuel supply pipe having sufficient bend radius to be removed and replaced through at least said one access chamber.

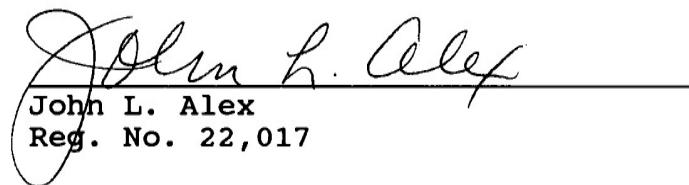
Support In Osborne
Application

Page 2, lines 34-35 and page 5, lines 27-34.

In view of the arguments set forth at pages 11-23 of "Osborne's Opposition to Webb et al.'s Second Motion for Judgment Under 37 C.F.R. §1.633(a)," which are incorporated herein by reference, it is respectfully submitted that newly added claim 71 is allowable.

The Commissioner is authorized to charge any fee associated with this Amendment to Deposit Account No. 12-1828.

Respectfully submitted,


John L. Alex
Reg. No. 22,017

LOCKWOOD, ALEX, FITZGIBBON & CUMMINGS
Three First National Plaza
Suite 1700
Chicago, Illinois 60602
(312) 782-4860

Dated: March 19, 1993

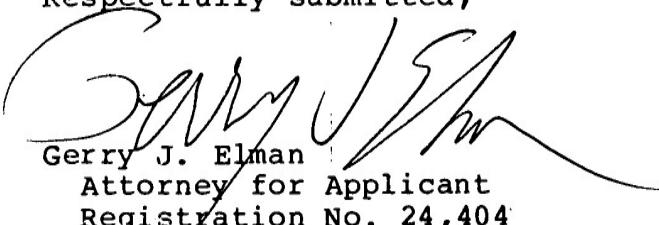
upwardly from an underground storage tank 12 to dispensers 14 but rather to a system extending below the storage tank. If anything, Wagner teaches away from Applicant's invention, inasmuch as the Wagner double-containment piping system extends below the tank to collect leakage therefrom.

The Walker patent teaches a flexible coaxial hose system but does not address the issue of usage underground. Accordingly the combination of the two references fails to create a combination which would make obvious applicant's claimed invention.

CONCLUSION

Applicant respectfully requests consideration of the claims as amended and prompt allowance thereof.

Respectfully submitted,


Gerry J. Elman
Attorney for Applicant
Registration No. 24,404

LIPTON, FAMIGLIO & ELMAN
201 N. Jackson Street
P.O. Box 546
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Phone: (215) 565-4730

Examiner Franco DeLiguori
October 10, 1990
Page 2

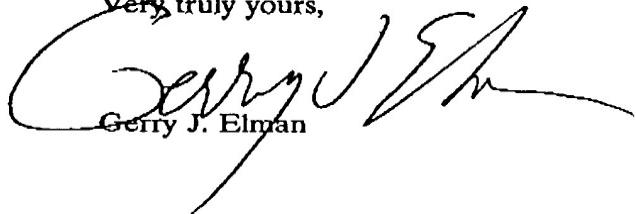
Post-It™ brand fax transmittal memo 7671		# of pages ► 3
To	Examiner DeLiguori	From
Co.	U.S. PTO	Co.
Dept.	Art Unit 351	Phone #
Fax #	703-557-9564	Fax #

Gerry Elman
Elman & Wilf
215-892-9580
215-892-9577

provide secondary containment are described as including flexible corrugated pipe.

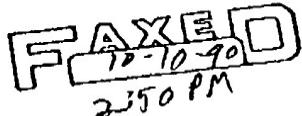
We have also been told by a representative of the patentee that they have an additional U.S. patent application pending with a different serial no. from any of those identified herein.

Very truly yours,


Gerry J. Elman

GJE/at51/B12-005.A10

Enclosure


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10-10-90
2:50 PM

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statement is not executed. Attorneys for Applicants will forward an executed copy of the statement to the Examiner as soon as they have obtained the same.

Attorneys for Applicants, however, emphatically insist that the present claims do not conflict with those of the Anderson I and Anderson II patents (or for that matter, with the Anderson and Clements Application) because even if the Anderson I and Anderson II patents and the Anderson and Clements Application were available as prior art under 35 U.S.C. §102(e), (f) or (g), the presently claimed invention is not rendered unpatentable under 35 U.S.C. §102 and/or 103 because the presently claimed cross-linked conjugates of an intact capsular polymer are patentably distinct from the subject matter disclosed in these patents and the patent application. No interference should be declared because there is no interference in fact.

For the reasons above, it is submitted that Applicants have fully responded to this Examiner's requirement.

V. CONCLUSION

In view of the above amendments and remarks, it is submitted that the present claims are in form for allowance and early action to that end is respectfully requested.

Date April 14, 1993

Respectfully submitted,
S. Leslie Misrock Reg. No.
Mrs. Jeannine Frances Baert 31,232
S. Leslie Misrock 18,872
PENNIE & EDMONDS
1155 Avenue of the Americas
New York, New York 10036-2711
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(Reg. No.)

thorough SEQ ID NO:4, submitted herewith on newly numbered pages 80 through 81.

Due to the insertion of pages 80 through 81 containing the application Sequence Listing, kindly renumber previously submitted pages 80 through 106 as pages 82 through 108.

REMARKS

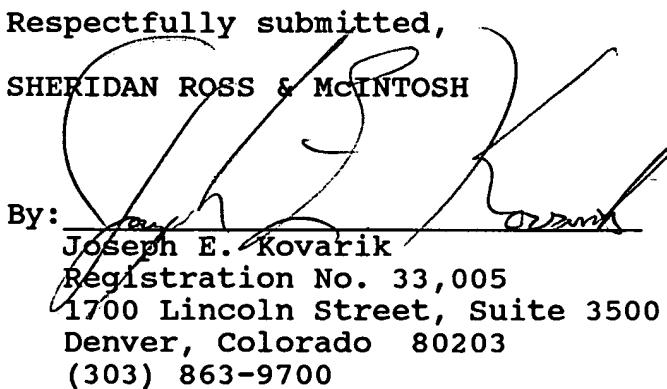
This Preliminary Amendment is submitted in compliance with 37 CFR §1.821-1.825 for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

PatentIn was used by Applicant to prepare the sequences for SEQ ID NO:1 through SEQ ID NO:4. Applicants submit that the Sequence Listing and these amendments embody merely the correction of formal matters in the specification and, as such, include no new matter.

Applicants hereby assert pursuant to 37 CFR §1.821(f) that the content of the paper and computer readable copies of SEQ ID NO:1 through SEQ ID NO:4 submitted herewith are identical.

No fees are believed to be due with this Preliminary Amendment. In the event any fees are due, please debit Deposit Account 19-1970.

Respectfully submitted,
SHERIDAN ROSS & MCINTOSH

By: 
Joseph E. Kovarik
Registration No. 33,005
1700 Lincoln Street, Suite 3500
Denver, Colorado 80203
(303) 863-9700

Date: 2/24/95

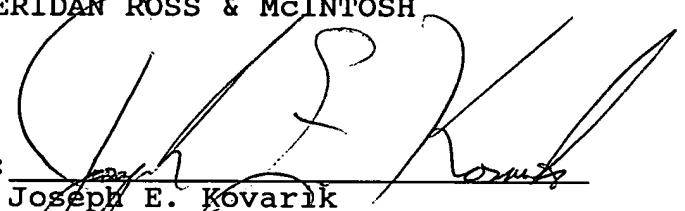
REMARKS

Applicants submit that this Preliminary Amendment embodies merely the correction of a formal matter in the specification and as such, includes no new matter. No fees are believed to be due with this Preliminary Amendment. In the event that fees are due, please debit Deposit Account 19-1970.

Respectfully submitted,

SHERIDAN ROSS & McINTOSH

By:


Joseph E. Kovarik
Registration No. 33,005
1700 Lincoln Street, Suite 3500
Denver, Colorado 80203
(303) 863-9700

Date: 3/30/95

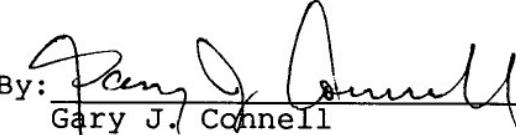
In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of Claims 27-59 under 35 U.S.C. § 102(b) and § 103.

Applicants submit that all pending claims are in condition for allowance and request the Examiner's favorable consideration and allowance thereof. Applicants have tried to respond to all issues raised by the Examiner in the April 29, 1997, office action. Applicants' attorney requests the courtesy of a telephone call from the Examiner in the event any of the claims are not considered to be in a condition for allowance.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:


Gary J. Connell
Registration No. 32,020
1700 Lincoln St., Suite 3500
Denver, Colorado 80203
(303) 863-9700

Date: 7/29/97

specification establishes that Wiles et al. do not teach or suggest Applicants' claimed population. Therefore, the cited reference fails to teach every element of the claimed invention. Moreover, given the lack of knowledge regarding the identification of primordial hematopoietic precursors and techniques by which to identify such cells, together with the unexpected identification of the claimed totipotent precursor population by the present inventors, the Examiner has failed to establish a *prima facie* case of obviousness. Applicants respectfully request that the Examiner withdraw the rejection of Claims 27-35, 37-56, 58-59 and 108 under 35 U.S.C. § 102(b) and under § 103(a).

Applicants submit that all pending claims are in condition for allowance and request the Examiner's favorable consideration and allowance thereof. Applicants have tried to respond to all issues raised by the Examiner in the November 12, 1997, final office action. Applicants' attorney requests the courtesy of a telephone call from the Examiner in the event any of the claims are not considered to be in a condition for allowance.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:


Gary J. Connell
Registration No. 32,020
1700 Lincoln St., Suite 3500
Denver, CO 80203
(303) 863-9700

Date: April 13, 1998

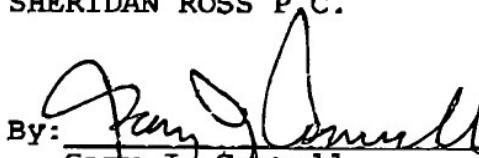
claimed pluripotent cell population. A preferred embodiment of the recited embryonic blast cell medium is disclosed on page 29, lines 8-14.

Applicants submit that all pending claims are in condition for allowance and request the Examiner's favorable consideration and allowance thereof. Applicants have tried to respond to all issues raised by the Examiner in the June 9, 1998, telephone interview. Applicants' attorney requests the courtesy of a telephone call from the Examiner in the event any of the claims are not considered to be in a condition for allowance.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



Gary J. Connell
Registration No. 32,020
1700 Lincoln St., Suite 3500
Denver, Colorado 80203
(303) 863-9700

Date: June 16, 1998

1998. Applicants are submitting formal drawings for the above-identified application which include at least one color photograph, and therefore, Applicants respectfully request that the specification be amended as indicated to fulfill the requirements of 37 CFR § 1.84(a)(2)(iii).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Angela Dallas-Pedretti
Angela Dallas-Pedretti
Registration No. P-42,460
1700 Lincoln St., Suite 3500
Denver, CO 80203
(303) 863-9700

Date: September 18, 1998

G

CA 5/96 A ABSTRACT OF THE DISCLOSURE

A1

-- The application concerns a method of repairing subcutaneous or dermal tissue in a subject. The method involves the preparation of cultured dermal fibroblasts from a specimen obtained from the subject and the injection of the fibroblast preparation, substantially free of immunogenic proteins, to repair the subcutaneous or dermal tissue. The method is applicable to the repair of rhytids, stretch marks, depressed scars, and non-traumatic cutaneous depressions as well as to the cosmetic augmentation of the lips. --

REMARKS

The Examiner has found that the inventions of claims 1-5 (Group I), claims 6 and 7 (Group II) and claim 8 (Group III) are independent and distinct. Election of one invention and cancellation of claims to the non-elected inventions are required. Applicant hereby confirms the April 1, 1996, oral election of the invention of claims 1-5 (Group I) and cancels claims 6-8.

Applicant submits an abstract of the disclosure.

The Examiner has found claims 1-5 in condition for allowance. The early mailing of a Notice of Allowance and Issue Fee Due is requested.

Respectfully submitted,

by *Thom E. Friebel* 36156

Thom E. Friebel 29,258
Thomas E. Friebel (Reg. No.)

Date May 9, 1996

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1155 Avenue of the Americas
New York, New York 10036-2711

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16

optical benefits, nor would it be capable of resisting certain pressures in the environment of the eye, in particular the movement of the eyelid over the lens.

Claim 1 therefore distinguishes over all the cited prior art, and allowance thereof is respectfully requested. Claims 2 and 5 to 18 depend directly or indirectly from claim 1 and should therefore be allowable therewith over the prior art.

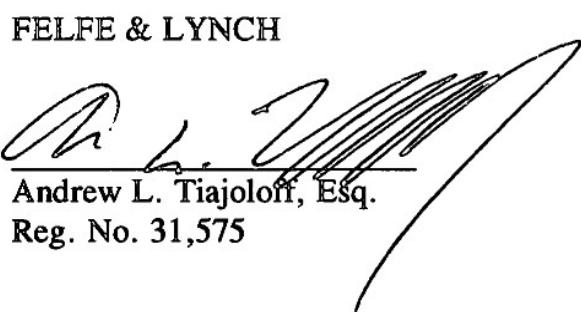
New independent claim 19 has been added which recites an implant which includes structure similar to that of claim 1, and distinguishes over the prior art for similar reasons. Claim 19 and its depending claims 20 to 22 are therefore also believed to be allowable over the prior art of record.

The claims herein having been shown to distinguish over the prior art in structure, function and result, formal allowance is respectfully requested.

Should any questions arise, the Examiner is invited to telephone attorney for applicant at 212-688-9200.

Respectfully submitted.

FELFE & LYNCH



Andrew L. Tiajoloff, Esq.
Reg. No. 31,575

805 Third Avenue
New York, New York 10022
(212) 688-9200

- Canc.*
41. A method of providing a volume substitution for soft tissue, said method comprising implanting an implant according to claim 21 in an organism.
42. A method of providing a volume substitution for soft tissue, said method comprising implanting an implant according to claim 22 in an organism.
-

REMARKS

The claims herein are added to more fully claim the invention herein.

Formal allowance is respectfully requested.

Respectfully submitted,

FULBRIGHT & JAWORSKI


Andrew L. Tiajoloff, Esq.
Reg. No. 31, 575

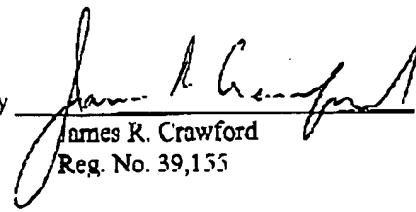
805 Third Avenue
New York, New York 10022
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REMARKS:

Please enter the above amendment.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

666 Fifth Avenue
New York, N.Y. 10103
(212) 318-3148

#25071374v1<

** TOTAL PAGE.10 **

75. Implant according to claim 43, wherein the surfaces of the sheets include a hydrophobic surface.

76. Implant for the reconstruction of soft tissue, said implant comprising: a plurality of spaghetti-like strands, said strands being made of a physiologically compatible material having a thickness of 10-200 μm and a surface that is wettable by a fluid lubricant.

REMARKS

Please enter the above amendment prior to examination on the merits.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By James R. Crawford
James R. Crawford
Reg. No. 39,155

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New York, N.Y. 10103
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75. ~~Implant according to claim 43, wherein the surfaces of the sheets include a hydrophobic surface.~~

6
76. ~~Implant for the reconstruction of soft tissue, said implant comprising: a plurality of spaghetti-like strands, said strands being made of a physiologically compatible material having a thickness of 10-200 μm and a surface that is wettable by a fluid lubricant.~~

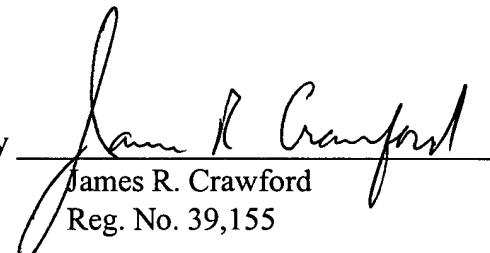
REMARKS

Please enter the above amendment prior to examination on the merits.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By


James R. Crawford
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Additionally, included air leads could lead to predetermined breaking points in the material and result in inhomogeneity of the surface. Therefore, tearing of the material is to be feared, i.e., insufficient durability.

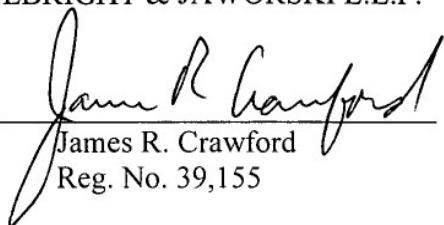
Medical implants, however, should also be removable. Removability may not be the case with such an inhomogeneous material. In view of the foregoing, allowance is requested.

Please charge the additional claim fees and any other fees that may be due to deposit account no: 50-0624.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By


James R. Crawford
Reg. No. 39,155

December 8, 2003

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Enclosures