



UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER	
ART UNIT	PAPER NUMBER
1802	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Applicant is advised that the Declaration by Dr. Richard Cummings, filed 3/2/95 (Paper No. 26) has been considered but is not deemed persuasive in regard to distinguishing the subject matter of claim 63, drawn to recombinant EPO, from that found in urine. While the declaration indicates that some forms of recombinant EPO may be alternatively glycosylated, the use of the generic term "recombinant" fails to impose any definitive physical limitation on the claimed compositions.

Applicant is advised that claims 61 and 62 have been found to be allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED, and the instant Application has been forwarded to the Board of Appeals and Interferences for action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Stanton whose telephone number is (703) 308-2801. The examiner can normally be reached Monday-Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacqueline Stone, can be reached at (703) 308-3153. The fax phone number for this Group is (703) 308-4312.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JMStone
 JACQUELINE M. STONE
 SUPERVISORY PATENT EXAMINER
 GROUP 1800

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