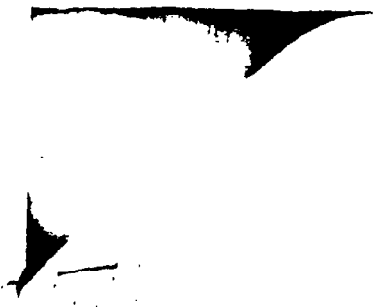


**Exhibit J**



RECEIVED

JAN 10 1994

*Handwritten signatures and initials, including '187D' and '1/11/94'.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

LIN, Fu-kuen

Group Art Unit: 1804

Examiner: Stanton, B.

Appl. No. 08/100,197

Filed: August 2, 1993

Title: PRODUCTION OF ERYTHROPOIETIN

HAND CARRY

December 20, 1993

AMENDMENT UNDER RULE 1.116

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

*Plasma  
stability  
5/2/94*

This is in response to the Final Rejection of October 5, 1993 in the above-identified application. Reconsideration of this application and entry of the following amendments are respectfully requested.

IN THE SPECIFICATION:

Page 32, line 35, substitute "Spring" for "Springs".

Page 106, line 2, delete the title in parenthesis.

**A 42404**

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IN THE CLAIMS:

Claim 61, line 2, substitute --preparation-- for  
"composition".

Claim 62, line 1, substitute --preparation-- for  
"composition".

REMARKS

Reconsideration of this application and entry of the foregoing amendments are earnestly solicited.

The above amendments have been offered in an effort to fully respond to the points noted by the Examiner in the outstanding Official Action as more fully discussed between the undersigned and Examiner Stanton during a telephone interview on November 23, 1993.

THE REJECTIONS

Specifically, in the Official Action the Examiner has rejected claims 61-63 under 35 USC 101 alleging that the invention is directed to non-statutory subject matter. It is the Examiner's opinion that the claims as presented read on human blood. While Applicant respectfully disagrees, the foregoing amendments have been offered in an effort to expedite the prosecution of this case and move forward with an interference as requested herein with U.S. Patent No. 4,806,524.

**A 42405**

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Claims 61-63 also stand rejected under 35 USC 112, second paragraph as allegedly failing to particularly point out and claim the subject matter as set forth in a prior Official Action in the parent application. Again, while Applicant respectfully disagrees with the Examiner's reasoning, the modification of claims has been offered to remove the basis of rejection. It should be noted, however, that claim 63 by its specificity of recombinant EPO cannot possibly read on human blood. Accordingly, the rejections as to claim 63 cannot be sustained under any circumstances.

**THE SPECIFICATION**

The Examiner's objection to the disclosure is believed to be mooted by the proposed corrections to pages 32 and 106.

**REQUEST FOR INTERFERENCE**

Pursuant to the provisions to 37 CFR §1.607, request is hereby made that an interference be declared with all of the claims (claims 1 and 2) of U.S. Patent No. 4,806,524 (the "'524 patent") cited by the Examiner in the Official Action of February 2, 1993 of the parent application. It is requested that an interference be declared between each of the patent claims 1 and 2 and claims 61-63 of the present application. It is suggested that the proposed count be essentially the '524 claim 1 with the

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omission of the term "protein stabilizers". Thus, the count would read as follows:

PROPOSED COUNT

An erythropoietin preparation containing one or more selected from the group consisting of bovine serum albumin, human serum albumin and gelatin.

The proposed count is identical to the '524 claim 1 with the omission of the immaterial phrase "protein stabilizers" which is not viewed as a limitation to the claim. This language is not in any sense viewed as patentably significant.

As will be evident, the proposed count is at least as broad as the broadest patent claim and thus constitutes a proper basis for interference.

Claims 1 and 2 of the '524 patent and Lin claims 61-63 should be designated as corresponding to the count.

For reasons set forth in Applicant's submission of November 6, 1990 in the parent application, the claimed subject matter herein is entitled to the basis of prior applications dating back to Serial No. 561,024, filed December 13, 1983 and now abandoned.

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**A 42407**

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