

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fu-Kuen Lin)	Group Art Unit: 186
Serial No.: 113,178)	Examiner: J. Kushan
Filed: October 23, 1987)	
For: "PRODUCTION OF ERYTHROPOIETIN")	

*11/D White
6-5-89
(W)*

*Examiner
8-89
MM*

AMENDMENT UNDER RULE 116

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

Dear Sir:

Responsive to the Final Official Action dated February 10, 1989,
kindly amend the above-identified application as follows:

In The Claims:

Kindly cancel Claims 41, 55-57 and 61-66 without prejudice,
and add the following new claims 67-75:

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--67. A glycoprotein product of the expression of an exogenous DNA sequence in a eucaryotic host cell, said product having a primary structural conformation and glycosylation sufficiently duplicative of that of a naturally occurring human erythropoietin to allow possession of the in vivo biological property of causing bone marrow cells to increase production of reticulocytes and red blood cells and having an average carbohydrate composition which differs from that of naturally occurring human erythropoietin.

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Remarks

Applicant wishes to express appreciation to Examiners Kushan and Schain for their time and thoughtful consideration of the issues during the interview of May 24, 1989, with Mr. Steven Odre and the undersigned. It is earnestly believed that the interview materially advanced prosecution of the subject application (a copy of the Interview Summary is attached).

Entry of this Amendment and reconsideration and allowance of the subject application are respectfully requested. The amendments proposed herein are believed to place the application in condition for allowance.

The art cited in the subject Official Action has been carefully considered by the Applicant together with the Examiner's comments relevant thereto and, in response, new independent Claim 67, which combines previously pending Claims 41 and 61, is presented in an effort to more particularly point out and distinctly claim the subject invention. New Claims 68-75 correspond to previously pending Claims 62-66 and 55-57.

Claims 41, 55-57, and 61-66 were rejected under 35 U.S.C. 112, first and second paragraphs. Reconsideration is requested in view of the above-noted new claims and the remarks which follow.

All product claims in the subject application are now product-by-process claims. Independent Claim 67, and thus all of the pending claims, specifically define the erythropoietin of the subject invention as a "glycoprotein product of the expression of

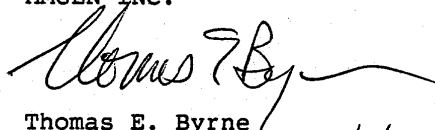
Conclusions

In view of the above, Applicant respectfully submits that all claims now pending herein fully and patentable define the present invention over the applied art of record. As such, entry of the Amendment and early receipt of the Official Notice of Allowance is awaited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone Applicant's undersigned attorney collect at (805) 499-5725 ext. 3161, so that same can be resolved without the necessity of an additional action and response thereto.

Respectfully submitted,

AMGEN INC.


Thomas E. Byrne
Reg. No. 32,205 6/2/89

TEB:jlm

Attachments

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