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PATENT

*6/C White
B. 12/9/88*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
FU-KUEN LIN
Serial No: 113,178
Filed: October 23, 1987
For: "PRODUCTION OF ERYTHROPOIETIN"

) I hereby certify that this
) paper is being deposited
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) 20231, on this date:

December 1, 1988
(Date)

Group Art Unit: 183
Examiner: H. E. Schain

) Jeffrey S. Sharp
) Jeffrey S. Sharp (31,879)
) Attorney for Applicant(s)

APPLICANT'S AMENDMENT AND REPLY UNDER 37 C.F.R. §1.111 AND 1.115

and

DECLARATION OF THOMAS W. STRICKLAND UNDER 37 C.F.R. §1.132

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

Sir:

This is in response to the Office Action dated June 2, 1988 in the above-identified application wherein claims 1-13, 16, 39-41, 47-49 and 55-57 were variously rejected under 35 U.S.C. §112, 102(b) and 103.

Reconsideration and allowance is respectfully requested in view of the following amendments and remarks.

AMENDMENTS

Please amend the above-identified application as follows:

Page 88, line 36, "lablled" should be
--labelled--.

Page 91, line 29, please delete "a".

Page 92, line 10, "Table VI" should be
--Figure 6--.

Page 95, line 10, "membrances" should be
--membranes--.

IN THE CLAIMS

Please cancel claims 1-13, 16, 39-40 and 47-49
without prejudice to Applicant's right to pursue claims of
the same or similar scope in a duly filed continuing appli-
cation.

Please amend claims 41, 55 and 56 as follows:

C
--41. (Amended) A glycoprotein product having a
primary structural conformation and glycosylation suffi-
ciently duplicative of that of a naturally occurring human
erythropoietin to allow possession of [one or more of the
biological properties thereof] 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.

C2
55. (Amended) A pharmaceutical composition com-
prising an effective amount of a [polypeptide] glycoprotein
product according to [claims 1, 16, 39, 40 or] claim 41 and
a pharmaceutically acceptable diluent, adjuvant or
carrier.

tion as reflected by the presently pending claims is clearly warranted.

CONCLUSION

The foregoing amendments and remarks are believed to establish that claims 41, 55-57 and 61-66 are in conformity with all requirements of 35 U.S.C. §112 and are directed to subject matter which is novel and unobvious under 35 U.S.C. §102 and 103. An early notice of allowance thereof is solicited.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BICKNELL

By

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