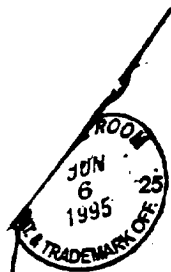


EXHIBIT

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NR/464347

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PATENT 8/3/95
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant:)	EXPRESS MAIL Label No.:
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)	Commissioner for Patents, Box Patent
For:)	Application, Washington, D.C., 20231
)	
PRODUCTION OF)	<u>Edward Petruski</u>
ERYTHROPOIETIN)	Edward Petruski

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Please enter the following amendments.

In the Claims

Cancel claims 1-60 without prejudice.

Add new claims 61-69 as follows.

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1-61. A process for the preparation of an *in vivo* biologically active erythropoietin product comprising the steps of:

(a) growing, under suitable nutrient conditions, host cells transformed or transfected with an isolated DNA sequence selected from the group consisting of (1) the DNA sequences set out in FIGS. 5 and 6, (2) the protein coding sequences set out in FIGS 5 and 6, and (3) DNA sequences which hybridize under stringent conditions to the DNA sequences defined in (1) and (2) or their complementary strands; and

(b) isolating said erythropoietin product therefrom.

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62. A process for the preparation of an *in vivo* biologically active erythropoietin product comprising the steps of transforming or transfecting a host cell with an isolated DNA sequence such that said host cell expresses *in vivo* biologically active erythropoietin polypeptide and isolating said erythropoietin product from said host cell or the medium of its growth.

³63. The process according to claim ¹61 or ²62 wherein said host cells are mammalian cells.

64. The process according to claim 63 wherein said host cells are CHO or COS cells.

65. The process according to claim 63 wherein said host cells are non-human cells.

66. The process according to claim 61 or 62 wherein said DNA is cDNA.

67. The process according to claim 61 or 62 wherein said DNA is genomic DNA.

68. A process for the preparation of a human erythropoietin comprising the steps of:

- (a) growing, under suitable nutrient conditions, host cells which can be propagated *in vitro* outside the cavity of a living organism and which upon growth in culture produce in the medium of their growth a human erythropoietin in excess of 100 U of erythropoietin per 10⁶ cells in 48 hours as determined by radioimmunoassay; and
- (b) isolating said human erythropoietin therefrom.

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69. A process for the preparation of a human erythropoietin comprising the steps of:

B

- (a) providing culture medium suitable for use in culturing cells *in vitro*, said culture medium not being the body fluid of a warm blooded animal,
- (b) growing under suitable conditions host cells which can be propagated *in vitro* and which upon growth in culture produce in the medium of their growth human erythropoietin in excess of 100 U of erythropoietin per 10⁶ cells in 48 hours as determined by radioimmunoassay; and
- (c) isolating said human erythropoietin therefrom.--

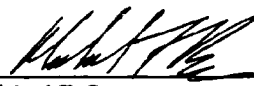
REMARKS

New claims 61-69 are supported in the claims of the prior application (U.S.S.N. 07/113,179) as originally filed. The claims include no new matter.

Respectfully submitted,

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By



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June 6, 1995

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