

# EXHIBIT C

18. re - 102 - A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11/17/88  
9/18/88  
R. Horn  
2/12/88

|   |   |                                |
|---|---|--------------------------------|
| Rule 60 Continuation Application of FU-KUEN LIN | ) | "PRODUCTION OF ERYTHROPOIETIN" |
| Based on S.N. 675,298 (Filed November 30, 1984) | ) | Group No. 127                  |
| Filed Herewith                                  | ) | Attorney D-8273                |

PRELIMINARY AMENDMENT

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

Sir:

Please amend the above-identified continuation application as follows:

IN THE SPECIFICATION

Page 1, line 2, after "This is" please insert ~~---a~~  
 continuation of my co-pending U.S. Patent Application Serial  
 No. 675,298, filed November 30, 1984, which is in turn--  
*now U.S. Patent 4,703,008*

At page 25, following line 5 of the original text,  
 please insert the following: ~~---~~Reference is made to FIGURES  
 1 through 21, wherein: FIGURE 1 is a graphic representation  
 of a radioimmunoassay analysis of products of the invention;  
 FIGURES 2 through 4 illustrate vector constructions  
 according to the invention; and, FIGURES 5 through 21 are  
 DNA and polypeptide sequences according to the invention.--

Page 30, line 21, please delete "Asn" and insert  
--Asn-- in place thereof.

Page 31, line 5, please delete "and RIA Analysis".

At page 37, line 6, please delete "Table V" and  
insert ~~---~~FIGURE 5, comprising portions 5A, 5B and 5C.--

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At page 37, line 6, please delete "Table" and insert --FIGURE--.

Please delete the entire text of pages 38 through 40.

At page 41, line 1, please delete "Table V" and insert in place thereof --FIGURE 5--.

Page 41, line 20, please delete "18, pp. 533-543 (1979" and insert --supra--.

Page 41, line 29, please delete "NEF-976" and insert --NEF-972--.

At page 42, line 25, please delete "Table VI" and insert in place thereof --FIGURE 6, comprising portions 6A, 6B, 6C, 6D and 6E--.

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Please delete the entire text of pages 43 through 47.

At page 48, line 1, please delete "Table VI" and insert in place thereof --FIGURE 6--.

At page 48, line 34, please delete "Table VI" and insert in place thereof --FIGURE 6--.

At page 49, line 1, please delete "Table" and insert in place thereof --FIGURE--.

At page 49, line 6, please delete "Table" and insert in place thereof --FIGURE--.

At page 49, line 8, please delete "Table 6" and insert in place thereof --FIGURE 6--.

At page 49, line 15, please delete "Table" and insert in place thereof --FIGURE--.

At page 49, line 16, please delete "Table VII, below," and insert in place thereof --FIGURE 9--.

At page 49, line 18, please delete "Table" and insert in place thereof --FIGURE--.

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At page 49, line 27, please delete "Table 6" and insert in place thereof --FIGURE 6--.

Please delete the entire text of page 50.

Page 53, line 13, after "orientation" please insert --(vectors F, X and G)--.

At page 63, line 35, please delete "Table 6" and insert in place thereof --FIGURE 6--.

At page 65, line 34, please delete "Table 6" and insert in place thereof -- FIGURE 6--.

At page 66, line 12, please delete "Tables VIII through XIV below" and insert in place thereof --FIGURES 10 through 15 and 7--.

Please delete the entire text of pages 67 through 72.

At page 73, line 1, please delete "Table VIII" and insert in place thereof --FIGURE 10--.

At page 73, lines 6 and 7, please delete "Table IX" and insert in place thereof --FIGURE 11--.

At page 73, line 21, please delete "(Tables XI and XIII)" and insert in place thereof --(FIGURES 13 and 15)--.

At page 73, line 23, please delete "Tables X and XII" and insert in place thereof --FIGURES 12 and 14--.

At page 73, line 26, please delete "Table XI" and insert in place thereof --FIGURE 13--.

At page 73, line 32, please delete "Table XIV" and insert in place thereof --FIGURE 7--.

Page 74, line 9, after "1984", insert [---(Published EPO Application No. 136,490)---].

At page 74, line 29, please delete "Table XIV" and insert in place thereof --FIGURE 7--.

*JL*

At page 75, line 28, please delete "Tables XV through XXI" and insert in place thereof --FIGURES 16 through 21 and 8--.

At page 75, lines 30 and 31, please delete "Tables XV, XVII and XIX" and insert in place thereof --FIGURES 16, 18 and 20--.

At page 75, line 32, please delete "Tables XVI, XVIII and XX" and insert in place thereof --FIGURES 17, 19 and 21--.

Please delete the entire text of pages 77 through 82.

At page 83, line 21, please delete "Table XXI" and insert in place thereof --FIGURE 8--.

Page 86, line 2, please delete "33932, 33934 and 33933" and insert --39932, 39934 and 39933-- in place thereof.

At page 89, line 16, please delete "Table VI" and insert in place thereof -- FIGURE 6--.

Page 89, line 21, please delete "118" and insert --128-- in place thereof.

At page 90, line 15, please delete "Table V" and insert in place thereof --FIGURE 5--.

At page 90, line 16, please delete "Table VI" and insert in place thereof --FIGURE 6--.

At page 90, lines 29 and 30, please delete "Table V and VI" and insert in place thereof --FIGURES 5 and 6--.

At page 94, line 6, please delete "Tables V and VI" and insert in place thereof --FIGURES 5 and 6--.

At page 94, line 14, please delete "Tables V and VI" and insert in place thereof --FIGURES 5 and 6--.

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At page 94, line 33, please delete "mammlain" and insert in place thereof --mammalian--.

IN THE DRAWINGS

Please add the enclosed formal drawing Figures 5 through 21.

IN THE CLAIMS

In claim 47, line 2, please delete "TABLE V" and insert --Figure 5-- in place thereof.

In claim 48, line 2, please delete "TABLE VI" and insert --Figure 6-- in place thereof.

In claim 48, line 3, please delete "Table VI" and insert --Figure 6-- in place thereof.

Please amend claim 16 as follows:

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--16. (Amended) A polypeptide product of the expression of a DNA sequence [of claim 14] in a procaryotic or eucaryotic host, said DNA sequence selected from among:

- (a) the DNA sequences set out in Figures 5 and 6 or their complementary strands;
- (b) DNA sequences which hybridize to the DNA sequences defined in (a) or fragments thereof; and,
- (c) DNA sequences which, but for the degeneracy of the genetic code, would hybridize to the DNA sequences in (a) and (b).--

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Please amend claim 39 as follows:

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--39. (Amended) A polypeptide product of the expression in a procaryotic or eucaryotic host cell of a

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cont'd*

[DNA sequence according to claims 17 or 34] purified and isolated DNA sequence coding for prokaryotic or eucaryotic host expression of a polypeptide having part or all of the primary structural conformation and one or more of the biological properties of erythropoietin, or a DNA sequence coding for a polypeptide fragment or polypeptide analog of naturally-occurring erythropoietin.--


**REMARKS**

Upon entry of the above-requested preliminary amendments, the specification and drawing will conform to that in allowed parent U.S. Patent Application Serial No. 675,298, filed November 30, 1984 and projected to issue October 27, 1987 as U.S. Letters Patent No. 4,730,008. The following claims will remain in the application: 1-13, 16 (Amended), 39 (Amended), 40, 41, 47 (Amended), 48 (Amended), 49 (Amended) and 55-57.

An early examination on the merits and notice of allowability of the claims is solicited.

Respectfully submitted,

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MURRAY & BICKNELL

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October 23, 1987



Rule 1.60 Continuation Application of: FU-KUEN LIN

Title: "PRODUCTION OF ERYTHROPOIETIN"

Based on U.S. Serial No. 675,298, filed 11/30/84

Attorney D-8273

Mailing Certification for: Preliminary Amendment Accompanying  
Application Under 37 C.F.R. 1.60

EXPRESS MAIL" mailing label No. B 61711198

Date of Deposit:

October 23, 1987

I hereby certify that this paper (or fee) is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231

Michael F. Borun (25,447)