

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	12353383	Filing Date	2009-01-14	Docket Number (if applicable)	9516-816-999	Art Unit	1625
First Named Inventor	Markian S. JAWORSKY			Examiner Name	Celia C. CHANG		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 503013

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Colin O. Hughes/	Date (YYYY-MM-DD)	2015-09-21
Name	Colin O. Hughes (for Hoon Choi, Reg. No. 64,214)	Registration Number	72172

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Markian S. Jaworsky et. al.	Confirmation No.:	2733
Serial No.:	12/353,383	Art Unit:	1625
Filed:	January 14, 2009	Examiner:	Celia C. CHANG
For:	POLYMORPHIC FORMS OF 3-(4-AMINO-1-OXO-1,3-DIHYDRO-ISOINDOL-2-YL)-PIPERIDINE-2,6-DIONE	Attorney Docket No:	9516-816-999
		(CAM:	501872-999816)

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and §1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the reference listed on the attached "List of References Cited by Applicant."

A copy of C246 is submitted herewith. Applicants respectfully request that the Examiner review the listed reference and that the reference be made of record in the file history of the application. Identification of the reference listed on the List of References Cited by Applicant is not to be construed as an admission of Applicants or attorneys for Applicants that such reference is available as "prior art" against the subject application. No aspect of this submission, including the submission of documents from a legal proceeding, constitute a

disclaimer of claim scope of the subject application. Applicants or Attorneys for Applicants do not embrace or adopt any statements, express or implied, contained in the document that might constitute a disclaimer of claim scope. *See Golden Bridge Tech., Inc. v. Apple Inc.*, 2014 U.S. App. LEXIS 13291 (Fed. Cir. 2014). Applicants respectfully request that the Examiner review the references and make them of record by completing and returning the enclosed “List of References Cited by Applicant.”

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(4) before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. Accordingly, Applicants believe that no fees are due. However, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Jones Day Deposit Account No. 50-3013, referencing our number (501872-999816) and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: September 21, 2015

/Colin O. Hughes/

72,172

By: Colin O. Hughes

(Reg. No.)

For: Hoon Choi

64,214

JONES DAY

222 East 41st Street

New York, New York 10017-6702

(858) 314-1200

Electronic Patent Application Fee Transmittal

Application Number:	12353383
Filing Date:	14-Jan-2009
Title of Invention:	POLYMORPHIC FORMS OF 3-(4-AMINO-1-OXO-1,3 DIHYDRO-ISOINDOL-2-YL)-PIPERIDINE-2,6-DIONE
First Named Inventor/Applicant Name:	Markian S. Jaworsky
Filer:	Colin O. Hughes
Attorney Docket Number:	9516-816-999/501872-816

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition fee- 37 CFR 1.17(h) (Group III)	1464	1	140	140

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
RCE- 2nd and Subsequent Request	1820	1	1700	1700
Total in USD (\$)				1840

Electronic Acknowledgement Receipt

EFS ID:	23545436
Application Number:	12353383
International Application Number:	
Confirmation Number:	2733
Title of Invention:	POLYMORPHIC FORMS OF 3-(4-AMINO-1-OXO-1,3 DIHYDRO-ISOINDOL-2-YL)-PIPERIDINE-2,6-DIONE
First Named Inventor/Applicant Name:	Markian S. Jaworsky
Customer Number:	84802
Filer:	Colin O. Hughes
Filer Authorized By:	
Attorney Docket Number:	9516-816-999/501872-816
Receipt Date:	21-SEP-2015
Filing Date:	14-JAN-2009
Time Stamp:	08:43:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1840
RAM confirmation Number	8598
Deposit Account	503013
Authorized User	HUGHES, COLIN

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition to Withdraw from Issue	9516-816-999_petition_to_withdraw.pdf	81940	no	2
			07ec61fa2d994084fff966209611b0464dd87ca6		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	9516-816-999_list_of_references.pdf	87920	no	1
			1201da1586827700519a48ed80233b1fc96bb93		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Non Patent Literature	06-24-15_Grounds_for_the_decision.pdf	402750	no	7
			0b68292140014b488be6a2e6776c66157353a005		
Warnings:					
Information:					
4	Request for Continued Examination (RCE)	9516-816-999_RCE.pdf	697703	no	3
			2ccd1fbc4d5df542978d65fbc3cfb8b16e8530c86		
Warnings:					
Information:					
5	Transmittal Letter	9516-816-999_IDS.pdf	102447	no	2
			e0567162ff562719e67fd8e265ef14ebba3470c5		
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	32659	no	2
			134279d0dc13ae253f802616743ea00736428b9b		
Warnings:					
Information:					
Total Files Size (in bytes):			1405419		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)	Application Number	12/353,383
	Filing Date	January 14, 2009
	First Named Inventor	Jaworsky
	Art Unit	1625
	Examiner Name	Celia C. CHANG
	Attorney Docket No. CAM No.	501872-999816

U.S. PATENT and PUBLICATION DOCUMENTS

*Examiner Initials	Document Number	Date mm-dd-yyyy	Name of Patentee or Applicant of Cited Document

FOREIGN PATENT DOCUMENTS

*Examiner Initials	Foreign Patent Document Country Code, Number, Kind Code (if known)	Date mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Concise Explanation of Relevance	T

NON PATENT LITERATURE DOCUMENTS

*Examiner Initials	Include name of the author (in CAPITAL LETTERS), (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
C246	Grounds for the decision of Oral Proceedings 06-24-2015 in Opposition of EP Patent No. 1667682	

EXAMINER**DATE CONSIDERED**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Markian S. Jaworsky et. al. Confirmation No.: 2733
Serial No.: 12/353,383 Art Unit: 1625
Filed: January 14, 2009 Examiner: Celia C. CHANG
For: POLYMORPHIC FORMS Attorney Docket No: 9516-816-999
OF 3-(4-AMINO-1-OXO-1,3 (CAM: 501872-999816)
DIHYDRO-ISOINDOL-2-
YL)-PIPERIDINE-2,6-
DIONE

PETITION UNDER 37 C.F.R. § 1.313(c)(2) FOR WITHDRAWAL OF THE APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, through their attorneys, hereby petition pursuant to Rule 313(c)(2) of the Rules of Practice, to withdraw the above-captioned application from issue after payment of the Issue Fee. Applicants are also submitting the following documents concurrently herewith: (1) Request for Continued Examination under 37 C.F.R. § 1.114, with provision for the required fee; (2) Supplemental Information Disclosure Statement, (3) List of References Cited by Applicant, (4) a copy of Reference C246; and (4) EFS-Web Fee Transmittal.

REMARKS

The Issue Fee for the above-referenced application was paid on August 17, 2015. Applicants respectfully request that the application be withdrawn from issue after payment of the Issue Fee pursuant to 37 C.F.R. §1.313(c)(2), to permit consideration of the Request for Continued Examination and Supplemental Information Disclosure Statement filed concurrently herewith.

Applicants respectfully request that this petition be acted upon with dispatch so as to avoid inadvertent issuance of a patent from the instant application.

The following estimated fees due are being paid concurrently by EFS-Web (charged to Jones Day Deposit Account No. 50-3013): (1) Petition Fee of **\$140** pursuant to 37 C.F.R § 1.17(h), and (2) Request for Continued Examination fee of **\$1700**. Please charge the required fee to Deposit Account No. 50-3013. Also, please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

CONCLUSION

Consideration and grant of this petition is required as all the requirements of Rule 114 have been met.

Respectfully submitted,

Date: September 21, 2015

/Colin O. Hughes/
Colin O. Hughes (Reg. No. 72,172)
For: Hoon Choi (Reg. No. 64,214)
JONES DAY
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