



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,158	05/01/2009	7138275	674528-5002	8993
28381	7590	03/05/2013	EXAMINER	
ARNOLD & PORTER LLP ATTN: IP DOCKETING DEPT. 555 TWELFTH STREET, N.W. WASHINGTON, DC 20004-1206			PONNALURI, PADMASHRI	
			ART UNIT	PAPER NUMBER
			3991	
			MAIL DATE	DELIVERY MODE
			03/05/2013	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE  
PATENT TRIAL & APPEAL BOARD

---

*Inter partes,*  
GHAZI JASWINDER DHOOT  
Requester and Appellant

v.

BLASTICON BIOTECHNOLOGISCHE FORSCHUNG GMBH  
Patent Owner and Respondent

---

Appeal 2011-010757  
Application 95/001,158  
Patent 7,138,275  
Technology Center 3900

---

Before JEFFREY B. ROBERTSON, *Administrative Patent Judge*

**ORDER**

**BOARD RULE 41.77(f)**

This proceeding has been referred to the Board for a finalization of the Board's Decision mailed April 2, 2012 (hereinafter "Decision"). In that Decision, the Board affirmed the Examiner's final decision not to reject claims 15-23.<sup>1</sup> The Board reversed the Examiner's final decision to confirm patentability of claims 1-

---

<sup>1</sup> See Decision 11 ("SUMMARY").

Appeal 2011-010757  
Reexamination Control No. 95/001,158  
Patent No. 7,138,275

14.<sup>2</sup> The Board entered new grounds of rejection as to claims 1-14 pursuant to 37 C.F.R. § 41.77(b).<sup>3</sup>

In response to the new ground of rejection, the Patent Owner did not timely file either a response requesting reopening of prosecution pursuant to 37 C.F.R. § 41.77(b)(1) or a request for rehearing based upon the same record pursuant to 37 C.F.R. § 41.77(b)(2). As a consequence, the appeal proceeding as to claims 1-14 was terminated. *See* 37 C.F.R. § 41.77(b).

The Board's Decision is now final and appealable to the United States Court of Appeals for the Federal Circuit, as the parties' rights to request rehearing are exhausted. *See* 37 C.F.R. § 41.81, which refers to 37 C.F.R. § 1.983.

#### ORDER

The decision affirming Examiner's decision not to reject claims 15-23 is final and appealable.

Appeal proceedings as to claims 1-14 are terminated.

This paper serves as the new decision under 37 C.F.R. § 41.77(f); to the extent the rule calls for a decision. Any requirement beyond that of the rule is hereby waived.

---

<sup>2</sup> *See* Decision 11 ("SUMMARY").

<sup>3</sup> *See* Decision 7-11, 13-14.

Appeal 2011-010757  
Reexamination Control No. 95/001,158  
Patent No. 7,138,275

Counsel for Patent Owner:  
ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON, DC 20004-1206

Counsel for Third Party Requester:  
VEDDER PRICE PC  
1633 Broadway, 47th Floor  
New York, NY 10019