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Practitioner's Docket No. 003252-52961 (formerly BRA01-NP002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brainard
Application No.: 09/853,428 Group No.: 1614
Filed: May 10, 2001 Examiner: Not yet assigned
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

OIPE JC
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PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

9.27.02
Date

Lisa L. Feeney
(type or print name of person mailing

Lisa L. Feeney
(signature of person mailing paper)

Assistant Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)

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As assignee of record of the entire interest of the above identified
[X] application,
[ ] patent,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

David S. Resnick, Attorney and Patent Agent, Registration No. 34,235
Leena H. Karttunen, under 37 C.F.R. 10.9(b)
Ronald I. Eisenstein, Attorney and Patent Agent, Registration No. 30,628
Lana A. Shvartsman, Attorney and Patent Agent, Registration No. 48,502
Nicole L.M. Valtz, Patent Agent, Registration No. 47,150

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In re application of: Brainard
Application No.: 09/853,428 Group No.: 1614
Filed: May 10, 2001 Examiner: Not yet assigned
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

(check the following item, if applicable)

[ ] Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:

David S. Resnick
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110

DIRECT TELEPHONE CALLS TO:

David S. Resnick (617) 345-6057

Customer No.: 26248

ASSIGNEE

Thomas Jefferson University
(type or print identity of assignee of entire interest)

1020 Walnut Street, Philadelphia, Pennsylvania 19107
Address

[ ] Recorded in PTO on 5/10/2001
Reel 011817
Frame 0191

ASSIGNEE STATEMENT

Attached to this power is a "STATEMENT UNDER 37 C.F.R. section 3.73(b)."

Signature

Date _____

Jussi Saukkonen, M.D.
(type or print name of person authorized to sign on behalf of assignee)

Dean, College of Graduate Studies and Vice President
For Science Policy, Technology Development and
Internal Affairs
Thomas Jefferson University
Title

(check the following item, if it forms a part of this power of attorney)

[ ] Added page—Authorization of attorney(s) to accept and follow instructions from representative.

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Practitioner's Docket No. 003252-52961 (formerly BRA01-NP002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brainard
Application No.: 09/853,428 Group No.: 1614
Filed: May 10, 2001 Examiner: Not yet assigned
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

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9.27.02
Date

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(type or print name of person mailing

Lisa L. Feeney
(signature of person mailing paper

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Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. SECTION 3.73(b)
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Thomas Jefferson University
Name of assignee
Corporation – Non-profit organization
Type of assignee, e.g., corporation, partnership, university, government agency, etc.

PERSON AUTHORIZED TO SIGN

3. Jussi Saukkonen, M.D.
(type name of person authorized to sign on behalf of assignee)
Dean, College of Graduate Studies and Vice President for Science Policy, Technology Development and Internal Affairs, Thomas Jefferson University
Title of person authorized to sign

(complete the following, if applicable)

[X] I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. [X] An assignment from the inventor, George Brainard, of the matter identified above, which was recorded in the PTO on 05/10/2001 at Reel 011817, Frame 0191.

2. [ ] An assignment (document) separately being submitted for recordal herewith.

AND/OR

B. [ ] A chain of title from the inventor(s) to the current assignee as shown below:

1. From: _____
   Name of inventor(s)
   To: _____
   Recorded in PTO: Reel _____, Frame _____

2. From: _____
   Name of inventor(s) or assignee
   To: _____
   Recorded in PTO: Reel _____, Frame _____

3. From: _____
   Name of inventor(s) or assignee
   To: _____
   Recorded in PTO: Reel _____, Frame _____

(check item below, and add details, if applicable)

[ ] Additional documents in the chain of title are listed in the attached Supplemental Sheet.

COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

[ ] Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

[ ] A [ ] 1 [ ] 2
[ ] B [ ] 1 [ ] 2 [ ] 3

Signature of Person Authorized to Sign

Jussi Saukkonen, M.D.
(type or print name of authorized person)

Dean, College of Graduate Studies and Vice President for Science Policy, Technology Development and Internal Affairs
Thomas Jefferson University

Title of authorized person

Date: _____

Respectfully submitted,

Customer No.: 26248

SIGNATURE OF PRACTITIONER
David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/853,428
Filing Date	05/10/01
First Named Inventor	Brainard, George
Group Art Unit	1614
Examiner Name	To be assigned
Total Number of Pages in This Submission	
Attorney Docket Number	003252-52961

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ENCLOSURES *(check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment / Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [X] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s)_____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group (*Appeal Notice, Brief, Reply Brief*)
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) *(please identify below)*: Statement Under 37 C.F.R. Section 3.73(b) Establishing Right of Assignee to Take Action; Certificate of Mailing; Return Receipt Postcard

Remarks

The Commissioner is authorized to charge fee deficiencies to the NIXON PEABODY LLP deposit account 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg.No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	9/27/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 9-27-02

Typed or printed name	Lisa L. Feeney		
Signature	Lisa L. Feeney	Date	9-27-02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB92 (08-00)
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Certificate of Mailing under 37 CFR 1.8

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on 9.27.02
Date

Lisa L. Feeney
Signature

Lisa L. Feeney
Typed or printed name of person of signing Certificate

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Transmittal Form (PTO/SB/21)(1 pg)
executed Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) (2 pp)
Statement Under 37 C.F.R. Section 3.73(b) Establishing Right of Assignee to Take Action (3 pp)
Return Receipt Postcard

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#5

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	BRA01-NP002

CONFIRMATION NO. 6772

OC000000008948524

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON, MA 02110

Date Mailed: 10/15/2002

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2002.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

LISA E FULTON
3700 (703) 308-2193

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#5

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/853,428	05/10/2001	George Brainard	BRA01-NP002

CONFIRMATION NO. 6772

OC000000008948521

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON, MA 02110

Date Mailed: 10/15/2002

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2002.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

LISA E FULTON
3700 (703) 308-2193

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11-16-02
#6/IDS

Docket No. 003252-052961

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard

Serial No.: 09/853,428 Group: 1614

Filed: May 10, 2001 Examiner: To be assigned

For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Assistant Commissioner for Patents
Washington, D.C. 20231

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Date: 10/29/02 Melissa Kruggel
Melissa Kruggel

****

Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §§1.56 and 1.97, Applicants herewith submit the publications and/or patents shown on the attached form PTO-1449, for consideration by the Examiner in connection with the examination of the above-identified patent application.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or

__ (2) within three months of the mailing date of the PCT International Search Report; or

__ (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **$240.00**, is included herein; or

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___ (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issu Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

_X_ are enclosed herewith; and

___ have been cited in the parent application, and are thus not being resubmitted herein.

A copy of the International Search Report from its corresponding PCT application, PCT/US01/15272, is also enclosed herewith.

Early examination and allowance of the present application are respectfully solicited.

FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850 or 14-1138. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,

David S. Resnick (Reg. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

Date: 10/29/02

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JC41
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PTO/SB92 (08-00)
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U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

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on 10/29/02
Date

Melissa Kruggel
Signature

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Melissa Kruggel
Typed or printed name of person of signing Certificate

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Transmittal Form (PTO/SB/21)(1 pg)
Information Disclosure Statement with attached Form PTO-1449 (3 pp)
References marked AA through AE and BA through BB
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Group Art Unit	1614
Examiner Name	To be assigned
Total Number of Pages in This Submission	
Attorney Docket Number	003252-052961

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ENCLOSURES *(check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment / Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [X] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) *(please identify below)*: Form PTO-1449; References AA through AE and BA through BB; Certificate of Mailing; Return Receipt Postcard.

Remarks

The Commissioner is authorized to charge fee deficiencies to the NIXON PEABODY LLP deposit account 50-0850.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg.No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	10/29/02

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Typed or printed name	Melissa Kruggel		
Signature	Melissa Kruggel	Date	10/29/02

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FORM PTO-1449	DOCKET NO.: 052961	SERIAL NO.: 09/853,428
INFORMATION DISCLOSURE	APPLICANT(S): George Brainard	
STATEMENT	FILING DATE: 5/10/01	GROUP NO.: 1614

UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	INVENTOR/ASSIGNEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,447,527	9/5/1995	Waldman			
	AB	5,824,024	10/20/1998	Dial			
	AC	5,855,595	1/5/1999	Fujishima et al.			
	AD	5,170,035	12/8/1992	Webster et al.			
	AE	5.235.178	8/10/1993	Hegyi			

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	29713395	12/3/1998	DE			
	BB	2666991	3/27/1992	FR			

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

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INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 01/15272

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61N5/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 447 527 A (WALDMAN MURRAY M) 5 September 1995 (1995-09-05) column 3, line 1 - line 23 ---	5,7,8
X	US 5 824 024 A (DIAL DANIEL CHRISTOPER) 20 October 1998 (1998-10-20) column 4, line 65 -column 5, line 3 ---	5
X	DE 297 13 395 U (MANDEL PETER FRIEDRICH) 3 December 1998 (1998-12-03) claims 2,3 ---	7,8
X	FR 2 666 991 A (GODART PATRICE) 27 March 1992 (1992-03-27) figures 1A,1B,11 ---	7,8

-/--

[X] Further documents are listed in the continuation of box C.

[X] Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
17 September 2001	24/09/2001

Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Petter, E

3

Form PCT/ISA/210 (second sheet) (July 1992)

International Application No
PCT/US 01/15272

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication,where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 855 595 A (ADACHI RENSUKE ET AL) 5 January 1999 (1999-01-05) column 3, line 21 - line 45; figure 4 ---	6,9,10
X	US 5 170 035 A (WEBSTER LEE R ET AL) 8 December 1992 (1992-12-08) column 1, line 50 -column 2, line 13 column 3, line 22 - line 33 ---	19
X	US 5 235 178 A (HEGYI DENNIS J) 10 August 1993 (1993-08-10) abstract; claim 1 -----	19

3

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 5, 7 ,8

   Light source emitting wavelenghts in the range between 425-505 nm and corresponding filter

2. Claims: 6, 9, 10

   Light source with wavelenghts in the range 425-505 nm being blocked and corresponding filter

3. Claim : 19

   Light metering system

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 01/15272

Box I Observations where certain claims w r found unsearchable (Continuati n of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. [X] Claims Nos.: 1-4,11-18
because they relate to subject matter not required to be searched by this Authority, namely:

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

2. [ ] Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. [ ] Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. [ ] As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. [X] As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. [ ] As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. [ ] No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

[ ] The additional search fees were accompanied by the applicant's protest.

[ ] No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/US 01/15272

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5447527 A	05-09-1995	CA 1334399 A1	14-02-1995
US 5824024 A	20-10-1998	NONE	
DE 29713395 U	03-12-1998	DE 29713395 U1	03-12-1998
FR 2666991 A	27-03-1992	FR 2666991 A1	27-03-1992
US 5855595 A	05-01-1999	JP 7275380 A	24-10-1995
		DE 19512518 A1	05-10-1995
		FR 2718037 A1	06-10-1995
		FR 2777466 A1	22-10-1999
		GB 2288123 A ,B	11-10-1995
US 5170035 A	08-12-1992	NONE	
US 5235178 A	10-08-1993	DE 69217976 D1	10-04-1997
		DE 69217976 T2	27-11-1997
		EP 0606400 A1	20-07-1994
		US 5416318 A	16-05-1995
		WO 9307455 A1	15-04-1993

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

7590 12/10/2002

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 12/10/2002

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

Notice of Abandonment	Application N .	Applicant(s)	
	09/853,428	BRAINARD, GEORGE	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *06 June 2002*.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

the examiner called the attorney of record on 09 Dec 2002, and he stated the Office action was not forwarded to him as required, and, therefore, has gone abandoned. He may file a petition to revive.

Roy Gibson
ROY D GIBSON
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

#8

OIPE JC26 JAN 21 2003 PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

1/15/2003
Date

Nicole M. Gignac
type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 23 2003
OFFICE OF PETITIONS

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. SECTION 1.137(b)

1. This application became abandoned on 12/10/2002.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).

3. Response or action required

   [ ] has been filed;
   [ ] is attached;
   [X] Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

01/22/2003 CNGUYEN 00000070 500850 09853428
01 FC:2453 30.00 CH 620.00 OP

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

(complete the following, if applicable)

[ ] The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

[X] Small business entity-fee $650.00.

5. Payment of fee

[X] Enclosed please find check for $620.00 .
[X] Charge Account 50-0850 for any additional fee required. For deficiencies.
[X] Charge Account 50-0850 remaining sum of $30.00 - a duplicate of this petition is attached.

(complete the following, if applicable)

[ ] Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

[ ] Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 1/15/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

OIPE JC26
JAN 2 1 2003
PATENT & TRADEMARK OFFICE

DAC/$

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/853,428
Filing Date	05/10/2001
First Named Inventor	George Brainard
Group Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961

ENCLOSURES *(check all that apply)*

- [X] Fee Transmittal Form
  - [X] Fee Attached
- [ ] Amendment / Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please *identify below):*

Petition to Revive Application for Patent Abandoned Unintentionally; Check - $620.00; Duplicate Copy (Charge to Deposit Account for $30.00); Cert. of Mail; Return Receipt Postcard.

Remarks

The Commissionner is authorized to charge deficiencies to the NIXON PEABODY Deposit Account No. 50-0850.

RECEIVED
JAN 2 3 2003
OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	1/15/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1/15/2003

Typed or printed name	Nicole M. Gignac		
Signature	Nicole M. Gignac	Date	1/15/2003

n Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, 31. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

O I P E - JC26
JAN 2 1 2003
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

[X] Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 650.00

Complete if Known	
Application Number	09/853,428
Filing Date	05/10/2001
First Named Inventor	George Brainard
Examiner Name	Roy Dean Gibson
Art Unit	3739
Attorney Docket No.	003252-052961

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JAN 2 3 2003
OFFICE OF PETITIONS

METHOD OF PAYMENT *(check all that apply)*

[X] Check [ ] Credit card [ ] Money Order [ ] Other [ ] None

[X] Deposit Account:

Deposit Account Number: 50-0850 - Charge deficiencies

Deposit Account Name: NIXON PEABODY LLP

The Commissioner is authorized to: *(check all that apply)*

[X] Charge fee(s) indicated below [X] Credit any overpayments

[ ] Charge any additional fee(s) during the pendency of this application

[ ] Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X	=
Independent Claims		- 3** =		X	=
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	620.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	830	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Charge - $30.00 (remainder enclosed) 30.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 650.00

SUBMITTED BY				(Complete *(if applicable)*	
Name *(Print/Type)*	David S. Resnick	Registration No. *(Attorney/Agent)*	34,235	Telephone	(617) 345-6057
Signature				Date	1/15/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

s collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the TO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, ng gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on unt 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 Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: ner for Patents, Washington, DC 20231.**

If you need assistance completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

O I P E JC26
JAN 2 1 2003
PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard	
Serial No.:	09/853,428	Group: 3739
Filed:	May 10, 2001	Examiner: Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY	

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
3. Duplicate Copy for Charging Deposit Account: Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
4. Check - $620.00;
5. Fee Transmittal (1 pg.);
6. Return Receipt Postcard;

is on the date shown below being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX DAC Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: January 15, 2003

Nicole M. Gignac
(*type or print name of person certifying*)

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OIPE JC67
JUL 0 9 2003
PATENT & TRADEMARK OFFICE

#10

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

7/7/03
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
Signature of person mailing paper

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 1 1 2003
OFFICE OF PETITIONS

FURTHER PETITION

Further to the Decision on Petition Dismissing the Petition under 37 C.F.R. 1.137(a) dated February 8, 2002 in the above-identified application, the undersigned submits the following:

1. Attached hereto please find a response to the outstanding office action in the above-identified application (Attachment A).

2. Secondly, with regard to item 3, noted in the decision on petition, the undersigned notes that in August of 2002, the responsibility for the above-identified application was transferred from Thomas Jefferson University to the undersigned. At that time, the undersigned, or those under his authority and control, reviewed the file and accorded any docketable dates in the firm's computer docket system.

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

A copy of the complete entries for the above-identified application are attached hereto as attachment B.

3. As can be seen from page 2 of attachment B, the only action due in the above-identified application is the present response to the Decision on Petition. If the June 6, 2002 office action was present in the file received by the undersigned, it would have been noted in this computer record.

4. Additionally, Applicants enclose herewith an unexecuted statement from Anthony Rowan of Thomas Jefferson University, the assignee of the application, indicating that he has reviewed the paper record at Thomas Jefferson University and that the June 4, 2002 office action was not present in their copy of the application file (Attachment C). An executed copy will follow under separate cover.

In view of light of the above, Applicants respectfully request that the Petition Under 35 C.F.R. 1.137(a) in the above-identified application be granted.

Applicants enclose herewith a three-month extension of time for response to the Decision to Petition.

Authorization is hereby given to the Commissioner to charge any deficient fees or to credit any overpayment to account no. 50-0850.

Date: _____

Respectfully submitted,

Customer No.: 26770

_____

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

A copy of the complete entries for the above-identified application are attached hereto as attachment B.

3. As can be seen from page 2 of attachment B, the only action due in the above-identified application is the present response to the Decision on Petition. If the June 6, 2002 office action was present in the file received by the undersigned, it would have been noted in this computer record.

4. Additionally, Applicants enclose herewith an unexecuted statement from Anthony Rowan of Thomas Jefferson University, the assignee of the application, indicating that he has reviewed the paper record at Thomas Jefferson University and that the June 4, 2002 office action was not present in their copy of the application file (Attachment C). An executed copy will follow under separate cover.

In view of light of the above, Applicants respectfully request that the Petition Under 35 C.F.R. 1.137(a) in the above-identified application be granted.

Applicants enclose herewith a three-month extension of time for response to the Decision to Petition.

Authorization is hereby given to the Commissioner to charge any deficient fees or to credit any overpayment to account no. 50-0850.

Date: 7/7/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

ATTACHMENT B

PCMaster v3.04.02 - [Patent]

File Edit Records Utilities Tools Help

Client Matter No	52961	Attorney #1	David & Leena
Country	United States	Foreign Agent	
Case Type	REGULAR CASE TYPE	Client\Division	Thomas Jefferson University
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	03252
Filing Type	NATIONAL CASE	Attorney #2	
Filing Number			

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Inventors | Licenses | Other No's | Related Id | Title | Text | Oppositions

Filing Data | Related Party Info | CLT INFO | Actions | Description | Expenses | Ext Files

Status	FILED	First Filing Date	5/10/2000
Sub Status	PENDING	Sub Status Date	8/8/2002*
Parent Country	United States	Parent Filing Date	5/10/2000
Parent Number	60/203,308	Parent Grant Date	
Total Claims		Ind. Claims\Designs	
Serial Number	09/853,428	Filing Date	5/10/2001
Patent Number		Issue/Grant Date	
Publication Number	2001-0056293	Publication Date	12/27/2001
Assigned		Expiration Date	
Convention Type		Tax Base Date	
Office Location	Boston	Next Tax Date	

Created: 8/8/2002 Updated: 6/24/2003 1:21 PM By: JAG

start | Windo... | Docum... | DOCS... | PCMas... | PCMas... | 10:43 AM

PCMaster v3.01.02 - [Patent]

File Edit Records Utilities Tools Help

Client Matter No	52961	Attorney #1	David & Leena
Country	United States	Foreign Agent	
Case Type	REGULAR CASE TYPE	Client\Division	Thomas Jefferson University
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	03252
Filing Type	NATIONAL CASE	Attorney #2	
Filing Number			

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Inventors | Licenses | Other No's | Related Id | Title | Text | Oppositions
Filing Date | Related Party Info | CLT INFO | Actions | Description | Expenses | Ext Files

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1
RESPONSE DUE	7/4/2003		8/4/2003		

Created 8/8/2002 Updated 6/24/2003 1:21 PM By JAG

start Windows M... Document2 ... DOCS Open PCMaster v... 10:44 AM

Only Action Due

PCMaster v3.04.02 - [Patent]

File Edit Records Utilities Tools Help

Client Matter No	52961	Attorney #1	David & Leena
Country	United States	Foreign Agent	
Case Type	REGULAR CASE TYPE	Client\Division	Thomas Jefferson University
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	03252
Filing Type	NATIONAL CASE	Attorney #2	
Filing Number			

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Inventors | Licenses | Other No's | Related Id | Title | Text | Oppositions
Filing Data | Related Party Info | CLT INFO | Actions | Description | Expenses | Ext Files

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty I
IDS Filed	8/10/2001#	10/29/2002	8/10/2001	11/12/2002	
PUBLISHED	11/10/2001*	12/27/2001	11/10/2001	12/27/2001	
REVIEW MATTER	3/28/2003	3/31/2003		3/31/2003	
1st Office Action	5/10/2003	1/1/1930	9/10/2002	1/1/1930	
RESPONSE DUE	7/4/2003		8/4/2003		
PETITION FOR		1/15/2003		1/27/2003	
NOTICE OF		12/10/2002		12/16/2002	
STATUS INQUIRY		11/14/2002		11/25/2002	
PETITION		2/4/2003		2/7/2003	
POWER OF ATTY		9/27/2002		10/8/2002	
POWER OF		10/15/2002		10/18/2002	

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Client Matter No	52961	Attorney #1	David & Leena
Country	United States	Foreign Agent	
Case Type	REGULAR CASE TYPE	Client\Division	Thomas Jefferson University
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	03252
Filing Type	NATIONAL CASE	Attorney #2	
Filing Number			

PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Filing Data | Related Party Info | CLT INFO | Actions | Description | Expenses | Ext Files
Inventors | Licenses | Other No's | Related Id | Title | Text | Oppositions

	Inventor Name	Assignment Date	Inventor
▶	George Brainard		George Blainard
*			

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Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Copy – Decision mailed July 31, 2003 – Paper No. 13 (3 pp.);
3. Renewed Petition Under 37 C.F.R. 1.137 (2 pp.);
4. Statement from Anthony Rowan (2 pp.);
5. Exhibit A – Complete Copy of File Maintained under Mr. Rowan at Thomas Jefferson University Office of Technology;
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Nicole M. Gignac
Signature

Date: September 22, 2003

Nicole M. Gignac
(*type or print name of person certifying*)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961
Total Number of Pages in This Submission	

ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Renewed Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
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- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please identify below):

Copy - Decision; Statement from A. Rowan; Exhibit A; Cert. of Mail; Return Receipt Postcard.

Remarks

The Commissioner is authorized to charge the NIXON PEABODY LLP Deposit Account No. 50-0850 for fees associated with this submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	9/22/03

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Typed or printed name	Nicole M. Gignac		
Signature	Nicole M. Gignac	Date	September 22, 2003

This collection of information is required by 37 CFR 1.5. 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 1.14. 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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ATTACHMENT A

#11/a

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

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Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
(signature of person mailing paper)

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AMENDMENT

In response to the Office Action of June 6, 2002, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page of this paper.

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

In The Claims

Claim 1 (currently amended) A method of treating or preventing a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system emits a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 2 (original) The method of Claim 1, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 3 (currently amended) A method of minimizing circadian and neuroendocrine stimulation or distruption ~~treating a light responsive disorder~~ in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system excludes emission of a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 4 (canceled)

Claim 5 (currently amended) A light system, comprising at least one light source, said light source emitting a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocnne system, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 6 (currently amended) A light system, comprising at least one light source, said light source excluding emission of a balance of wavelengths to stimulate a mammalian

circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488.

Claim 7 (canceled)

Claim 8 (canceled)

Claim 9 (canceled)

Claim 10 (canceled)

Claim 11 (currently amended) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 12 (original) The method of Claim 11, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 13 (currently amended) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said

translucent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 14 (original) The method of Claim 13, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 15 (original) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent mate~~rial~~rial component, said transparent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 - 505 nm.

Claim 16 (canceled)

Claim 17 (currently amended) A method of minimizing circadian and neuroendocrine stimulation or distruption ~~treating a light responsive disorder~~ in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said

A1

translucent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 - ~~5055~~ 505 nm.

Claim 18 (canceled)

Claim 19 (canceled)

REMARKS/ARGUMENTS

The present invention relates to Applicant's surprising discovery that human melatonin suppression peaks between 435-488 nm (fig. 11) and that by exposing patients to these wavelengths, light responsive disorders can be treated. Conversely, Applicant has discovered that exposing a patient to light in which these wavelengths have been excluded minimizes circadian and neuroendocrine stimulation or disruption. For example, in other words, exposure to light in which these wavelengths have been excluded will allow one to fall a sleep, while exposure to these wavelengths will stimulate wakefulness.

The claims have been amended to further define the present invention and expedite prosecution. Specifically, claims 4, 7 – 10, 16, and 18 – 19 have been canceled. The remainder of the claims have been amended to recite that the peak sensitivity ranges from 435 – 488nm. Support can be found in Figure 11. The sensitivity range from 435-488 nm relates to the top 25% sensitivity for human melatonin suppression peaks between 435 and 488 nm, as is illustrated in Figure 11 of the present application. Figure 11 describes a spectrally weighted function that is specifically distinct from previously described functions for human day and night vision[1] [2] as well as other light driven photobiological responses[3]. No new matter has been added by the amendments to the claims.

---

[1] COMMISSION INTERNATIONALE DE L'ECLAIRAGE: Guide on Interior Lighting, CIE Publication No. 29.2, Vienna, pp. 1 – 113, 1986.

[2] ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA, ed.: Lighting Handbook: Reference & Application, Illuminating Engineering Society of North America, New York, pp. 1 – 989, 1993.

[3] ILLUMINATING ENGINEERING SOCIETY RP-27.1 Photobiological Safety for Lamps and Lamp Systems – General Requirements, 1995.

Claims 3 – 4 and 15 - 18 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that the amendments to claims 3 and 15 have obviated this rejection which should therefore be withdrawn. In order to expedite prosecution, claims 4 and 16 – 18 have been canceled. Accordingly, the rejection has been obviated and should be withdrawn.

Claims 1, 2, 5 and 11 - 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (5,447,527).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

As noted above, the claims now recite a range is from 435 – 488 nm and thus no longer overlap Waldman.

In light of the above and the amendments to the claims, Applicants respectfully requests that the rejection be withdrawn.

Claims 6, 9 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fujishima et al. (5,855,595).

Applicant respectfully submits that claim 6 specifically excludes the wavelengths from 435-488 nm. This is not taught or suggested by the cited reference and thus there can be no anticipation. Accordingly, Applicant requests that the rejection be withdrawn.

Claims 7 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Girerd (5,083,858).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

In light of the cancellation of claims 7 and 8, the rejection has been obviated and should be withdrawn.

Claim 19 stands rejected under 35 U.S.C. 102(b) as being anticipated by Hegyi (5,235,178).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

In light of the cancellation of claim 19, the rejection has been obviated and should be withdrawn.

In light of the above and the amendments to the claims, Applicants respectfully requests that the rejection be withdrawn.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,923,398).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

As noted above, the claims now recite a range from 435 – 488 nm and thus no longer overlap Goldman.

In light of the above and the amendments to the claims, Applicant respectfully requests that the rejection be withdrawn.

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

In view of the above and foregoing, it is respectfully submitted that the claims now on file are believed to be in condition for allowance, and prompt and favorable action is earnestly solicited. Should there be any question concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Authorization is hereby given to the Commissioner to charge any deficient fees or to credit any overpayment to account no. 50-0850.

Date: 7/7/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

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ATTACHMENT C

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being faxed to the attention of Joyce Riley at the U.S. Patent and Trademark Office, Washington, D.C. 20231.

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Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
Signature of person mailing paper

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

STATEMENT FROM ANTHONY ROWAN

I, Anthony Rowan, state as follows:

1. I am a licensing assistant in the Office of Technology Transfer at Thomas Jefferson University, the assignee of the above-identified application;

2. I have reviewed the physical file of the above-identified application that is in our office;

3. The Office Action mailed June 6, 2002 is not in this file;

4. The computer records relating to this application are not accessible to our office;

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Date: _____ _____

Anthony Rowan

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional) 003252-052961

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In re Application of	George Brainard
Application Number	09/853,428
Filed	May 10, 2001
For	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
Art Unit	3739
Examiner	Roy Dean Gibson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) $_____
- ☐ Two months (37 CFR 1.17(a)(2)) $_____
- ☒ Three months (37 CFR 1.17(a)(3)) $ 930.00
- ☐ Four months (37 CFR 1.17(a)(4)) $_____
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☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: $ 465.00.

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☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to change fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0850.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) 34,235.

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7/7/03
Date

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(617) 345-6057
Telephone Number

David S. Resnick
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 1.14. This collection is estimated to take 6 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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Total Number of Pages in This Submission

Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961

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- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
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- [ ] Status Letter
- [X] Other Enclosure(s) (please identify below):

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Remarks

The Commissioner is authorized to charge fee deficiencies associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	07/07/2003

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Typed or printed name	Nicole M. Gignac		
Signature		Date	07/07/2003

This collection of information is required by 37 CFR 1.5. 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 1.14. 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

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I hereby certify that this correspondence:

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3. Attachment A - Amendment (9 pp.);
4. Attachment B – Computerized Docket Sheets (4 pp.);
5. Attachment C - Statement from Anthony Rowan (2 pp.);
6. Petition for Extension of Time (1 pg.);
7. Fee Transmittal (1 pg.);
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Nicole M. Gignac
Signature

Date: July 7, 2003

Nicole M. Gignac
(*type or print name of person certifying*)

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PATENT & TRADEMARK OFFICE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

[X] Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 465.00

Complete if Known	
Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Examiner Name	Roy Dean Gibson
Art Unit	3739
Attorney Docket No.	003252-052961

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METHOD OF PAYMENT *(check all that apply)*

[X] Check [ ] Credit card [ ] Money Order [ ] Other [ ] None

[X] Deposit Account:

Deposit Account Number: 50-0850 for deficiencies

Deposit Account Name:

The Commissioner is authorized to: *(check all that apply)*

[ ] Charge fee(s) indicated below [ ] Credit any overpayments

[ ] Charge any additional fee(s) during the pendency of this application

[ ] Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X	=
Independent Claims		- 3** =		X	=
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 465.00

SUBMITTED BY				(Complete *(if applicable)*	
Name *(Print/Type)*	David S. Resnick	Registration No. *(Attorney/Agent)*	34,235	Telephone	(617) 345-6057
Signature				Date	07/07/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. 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 1.14. 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, 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.

OIPE JC48
JUL 14 2003
PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being faxed to the attention of Joyce Riley at the U.S. Patent and Trademark Office, Washington, D.C. 20231.

7/9/2003
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
Signature of person mailing paper

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

RECEIVED
JUL 17 2003
TECHNOLOGY CENTER R3700

STATEMENT FROM ANTHONY ROWAN

I, Anthony Rowan, state as follows:

1. I am a licensing assistant in the Office of Technology Transfer at Thomas Jefferson University, the assignee of the above-identified application;

2. I have reviewed the physical file of the above-identified application that is in our office;

3. The Office Action mailed June 6, 2002 is not in this file;

4. The computer records relating to this application are not accessible to our office;

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JUL 18 2003
OFFICE OF PETITIONS

BEST AVAILABLE COPY

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Date: 7/8/2003

Anthony Rowan

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OIPE JC48
JUL 14 2003
PATENT & TRADEMARK OFFICE

#18

Docket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/9/03
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
(Signature of person mailing paper)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 17 2003
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LETTER TO EXAMINER

Subsequent to the Further Petition filed by Applicant on July 7, 2003, attached hereto please find the executed Statement From Anthony Rowan.

Applicant does not believe that any fees are associated with this submission. However, authorization is hereby given to the Commissioner to charge any deficient fees to the Nixon Peabody LLP Deposit Account No. 50-0850.

Date: 7/9/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

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JUL 14 2003
PATENT & TRADEMARK OFFICE

3739

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Letter to Examiner (1 pg.);
3. Statement from Anthony Rowan (2 pp.);
4. Return Receipt Postcard;

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JUL 17 2003
TECHNOLOGY CENTER R3700

is on the date shown below being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Nicole M. Gignac
Signature

Date: July 9, 2003

Nicole M. Gignac
(*type or print name of person certifying*)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961
Total Number of Pages in This Submission	

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ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please Identify below):

Letter to Examiner; Executed Statement - A. Rowan; Certificate of Mailing; Return Receipt Postcard.

Remarks

The Commissioner is authorized to charge fee deficiencies associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	07/09/2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.Washington, DC 20231 on this date:

Typed or printed name	Nicole M. Gignac		
Signature	Nicole M. Gignac	Date	07/09/2003

This collection of information is required by 37 CFR 1.5. 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 1.14. 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Paper No. 13

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON MA 02110

COPY MAILED
JUL 3 1 2003
OFFICE OF PETITIONS

In re Application of	:
George Brainard	:
Application No. 09/853,428	:
Filed: May 10, 2001	:
Attorney Docket No.	:
BRA01-NP002	:

This is a decision on the Further Petition filed July 9, 2003, to revive the above-identified application, which is being treated as a Request for Reconsideration of Petition under 37 CFR 1.137(a). Petitioner requests revival based upon an unintentional delay in responding to the Office action under 37 CFR 1.137(a). A three (3) month extension-of-time is requested and is hereby granted.

The petition under is dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2002. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 7, 2002. A Notice of Abandonment was mailed on December 10, 2002.

A petition was filed on January 21, 2003, wherein Petitioner asserted that the delay was unavoidable because Petitioner has not received the June 6, 2002, Office action. That petition was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

The instant petition states that Petitioner was not responsible for this application at the mailing of the Office action on June 6, 2002, but that the file was transferred from Thomas Jefferson University in August 2002 to Petitioner. Petitioner includes an unexecuted statement from a representative of the assignee at the time of the mailing of the June 6, 2002 Office action, Anthony Rowan of Thomas Jefferson University. Petitioner asserts that an executed copy will follow under separate cover. The unexecuted statement avers that Mr. Rowan has reviewed the file of this application "that is in our office; The Office action mailed June 6, 2002 is not in the file;". *Statement from Anthony Rowan* at p.1.

As iterated in the Decision dismissing petition, mailed February 4, 2003, an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Accordingly, the statement from Mr. Rowan must be executed, and a copy of the docket record (or file jacket) where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. This copy must come from Thomas Jefferson University.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

Nix n Peab dy LLP
Attorneys at Law
101 Federal Street
Bost n, Massachusetts 02110-1832
(617) 345-1000

Fax: (617) 345-1300

PRIVILEGE AND CONFIDENTIALITY NOTICE
The informati n in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the riginal to the sender by mail. We will reimburse you for postage. Do not discl se the contents to anyone. Thank you.

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Date: August 16, 2002 **Pages (including cover):** 3

To: Group 1614 **Fax:** 703-308-2742 **Ph:**

Fr m: Leena H. Karttunene

Message:

OFFICIAL

FAX RECEIVED
AUG 16 2002
GROUP 3700

Date: August 16, 2002 **Pages (including cover):** 3

To: Group 1614 **Fax:** 703-308-2742 **Ph:**

Fr m: Leena H. Karttunene

Client/Matter: 003252-52691 **User No.:** 8859 **Disbursement Amount:** $

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SEP 2 4 2003
PATENT & TRADEMARK OFFICE

#13

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

9/22/2003
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
Signature of person mailing paper

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

Attn: Derek L. Woods, Petitions Attorney
Office of Petitions

RENEWED PETITION UNDER 37 CFR 1.137

Further to the Decision of a Petition mailed July 31, 2003, the undersigned submits the following:

1. An executed statement by Anthony Rowan, Thomas Jefferson University, the assignee of the application, indicating that he has reviewed the physical file of the above-identified application that was kept in the Thomas Jefferson Office of Technology Transfer. Mr. Rowan goes on to state that the Office Action mailed June 6, 2003 is not in this file and that if the Office Action had been received, it would have been placed in this file.

2. A copy of the complete file is attached to Mr. Rowan's statement as Exhibit A.

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SEP 2 6 2003
OFFICE OF PETITIONS

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

The undersigned believes that this satisfies requirements set forth in Attorney Woods' July 31, 2003 decision. Accordingly, Applicants respectfully request that the petition be granted.

Authorization is hereby given to charge any fees associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: 9/22/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 04 2003
NIXON PEABODY LLP

Paper No. 13

COPY

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON MA 02110

COPY MAILED
JUL 31 2003
OFFICE OF PETITIONS

In re Application of :
George Brainard :
Application No. 09/853,428 :
Filed: May 10, 2001 :
Attorney Docket No. :
BRA01-NP002 :

This is a decision on the Further Petition filed July 9, 2003, to revive the above-identified application, which is being treated as a Request for Reconsideration of Petition under 37 CFR 1.137(a). Petitioner requests revival based upon an unintentional delay in responding to the Office action under 37 CFR 1.137(a). A three (3) month extension-of-time is requested and is hereby granted.

The petition under is dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2002. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 7, 2002. A Notice of Abandonment was mailed on December 10, 2002.

A petition was filed on January 21, 2003, wherein Petitioner asserted that the delay was unavoidable because Petitioner has not received the June 6, 2002, Office action. That petition was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

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COPY

The instant petition states that Petitioner was not responsible for this application at the mailing of the Office action on June 6, 2002, but that the file was transferred from Thomas Jefferson University in August 2002 to Petitioner. Petitioner includes an unexecuted statement from a representative of the assignee at the time of the mailing of the June 6, 2002 Office action, Anthony Rowan of Thomas Jefferson University. Petitioner asserts that an executed copy will follow under separate cover. The unexecuted statement avers that Mr. Rowan has reviewed the file of this application "that is in our office; The Office action mailed June 6, 2002 is not in the file;". *Statement from Anthony Rowan* at p.1.

As iterated in the Decision dismissing petition, mailed February 4, 2003, an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Accordingly, the statement from Mr. Rowan must be executed, and a copy of the docket record (or file jacket) where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. This copy must come from Thomas Jefferson University.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

COPY

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

OIPE JC22 SEP 24 2003 PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being mailed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/22/2003
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Nicole M. Gignac
Signature of person mailing paper

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

STATEMENT FROM ANTHONY ROWAN

I, Anthony Rowan, state as follows:

1. I am a licensing assistant in the Office of Technology Transfer at Thomas Jefferson University, the assignee of the above-identified application;

2. I have reviewed the physical file of the above-identified application that is in our office, a copy of which is attached as Exhibit A. The Office Action mailed June 6, 2002 is not in this file. If the Office Action had been received, it would have been placed in this file.

3. The computer records relating to this application are not accessible to our office;

RECEIVED
SEP 26 2003
OFFICE OF PETITIONS

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Date: 9/22/03

Anthony Rowan

OTT-3293

OIPE JC22 SEP 2 4 2003 PATENT & TRADEMARK OFFICE

FILING RECEIPT

OC000000005292554

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT SECRETARY AND COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/203,308	05/10/2000		150	BRA01-P0002			

CONFIDENTIAL

COPY

Clifford Kent Weber
Thomas Jefferson University
1020 Walnut Street Suite 620
Philadelphia, PA 19107

DOCKETED
AUG 2 2 2000
Office of University Counsel

Date Mailed: 08/03/2000

Receipt is acknowledged of this provisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If y u received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

George Brainard, Haddonfield, NJ;

Continuing Data as Claimed by Applicant

Foreign Applications

If Required, Foreign Filing License Granted 08/02/2000

Title

Light system, meter sytsem, and materials for stimulating circadian and neuroendicrine systems

Preliminary Class

Data entry by : LOVELACE, TYWANA **Team :** OIPE **Date:** 08/03/2000

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CRF 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "**a**," "**an**" and "**the**" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "**new**," "**improved**," "**improvements in**" or "**relating to**" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

Thomas Jefferson University

Office of University Counsel
1020 Walnut Street
Philadelphia, PA 19107-5587

215-955-8585
Fax: 215-923-3613

OTI-3317

OIPE JC22
SEP 2 4 2003
PATENT & TRADEMARK OFFICE

August 29, 2000

Goerge C. Brainard, Ph.D.
Department of Neurology
1025 Walnut St. Suite 310
Philadelphia, PA 19107

CONFIDENTIAL
COPY

RE: U.S. Provisional Patent Appln. entitled "A new Photoreceptor System for Melatonin Regulation."
Filed: August 28, 2000
Inventors: BRAINARD, George C.
Ref. No.: BRA01-P0003

Dear Dr. Brainard:

Enclosed for your records, please find a copy of the above-referenced provisional patent application and the Provisional Application for Patent Cover Sheet as filed with the United States Patent & Trademark Office on **August 28, 2000**. I will continue to keep you advised of further developments as they occur with regard to this Application.

Under the U.S. patent laws, a U.S. patent will not result from a U.S. provisional patent application unless a corresponding U.S. non-provisional patent application is filed within one year from the filing date of the provisional patent application. A non-provisional patent application may properly claim priority from the above-referenced provisional application only for the embodiment or subject matter of the invention disclosed therein.

The filing of a provisional application also begins the one-year period established by the Paris Convention for filing corresponding foreign patent applications in member countries. Accordingly, both a non-provisional U.S. patent application and corresponding foreign patent applications must be filed by the end of the one-year period to claim Paris Convention priority based on the filing date of the provisional application.

In this case, the one-year anniversary falls on Tuesday, **August 28, 2001**, marking the deadline for filing a U.S. non-provisional application, as well as any filing to be made under the Patent Cooperation Treaty (PCT). I will be contacting you well in advance of this deadline to put your application into condition for filing the appropriate applications and to prepare all documents necessary for each filing.

In the meantime, please keep me advised as to any new developments with respect to this technology (i.e., laboratory data, clinical trials or material transfers). Also, you should keep me updated with respect to anything drafted, compiled, written, or sent

for the purpose of a presentation or publication that incorporates new information, so that patent rights can be secured by filing a second provisional patent application.

If you have any questions or concerns, feel free to contact me at ext. 3-0757. I look forward to working with you on this patent matter.

Sincerely,

Clifford K. Weber

Clifford K. Weber, Esq.
Assistant Counsel, Intellectual Property

CKW/kaw
Enclosure

cc: Abram Goldfinger, MBA
Alan B. Kelly, Esq., University Counsel

Clifford K. Weber, Esq.
Office of University Counsel
Thomas Jefferson University
1020 Walnut Street, Suite 626
Philadelphia, PA 19107

Please return this card, indicating receipt date and Serial No., if applicable, to the following:

Applicant(s): **Thomas Jefferson University**

Inventor(s): **George C. Brainard**

Title: **A NEW PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION**

Serial No.:

Filing Date: **August 28, 2000**

Docket No.: **BRA01-P0003**

1. Certificate of Express Mail
2. Transmittal Letter
3. Provisional application
4. Specification
5. Small Entity Statement
6. Return Receipt Post Card

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SEP 26 2003
OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: **BRA01-P0003**

TITLE: **A NEW PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION**

INVENTORS: **BRAINARD, George**

"Express Mail" Label No. **EE 388 354 145 US**
Date of Deposit – **August 28, 2000**
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

By Clifford Kent Weber

Typed Name: **CLIFFORD KENT WEBER**

Box Provisional Patent Application
Commissioner of Patents & Trademarks
Washington, DC 20231

Sir:

PROVISIONAL APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

(XX) Specification containing 4 pages.

(XX) Transmittal Form

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(XX) Provisional Application Cover Sheet

(XX) Fee Transmittal

(XX) Small Entity Statement

Respectfully submitted,

Clifford Kent Weber

Clifford Kent Weber, Esq.
Registration No. 42,215

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PATENT & TRADEMARK OFFICE

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (12-97)
Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	Not Known
Filing Date	Not Known
First Named Inventor	BRAINARD, George C.
Group Art Unit	
Examiner Name	
Total Number of Pages in This Submission: 22	Attorney Docket Number: BRA01-P0003

ENCLOSURES *(check all that apply)*

- [X] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment / Response
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [X] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- [ ] To Convert a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [X] Small Entity Statement
- [ ] Request for Refund
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Additional Enclosure(s) *(please identify below)*: Provisional Application Cover Sheet and Provisional Application, including specification

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Clifford Kent Weber
Signature	Clifford Kent Weber
Date	August 28, 2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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NIXON PEABODY LLP
ATTORNEYS AT LAW
Boston, MA 02110-1832
(617) 345-1000
Fax: (617) 345-1300

Direct Dial: (617) 345-6057
Direct Fax: (866) 743-2115
E-Mail: dresnick@nixonpeabody.com

Comprise Spread Sheet for D.R. w/ our new case #

RECEIVED
SEP 1 8 2002
Office of Technology Transfer

September 18, 2002

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107

CONFIDENTIAL
COPY

RE: Summary of Transferred Thomas Jefferson University Files

Dear Katherine:

Enclosed, please find a summary table of all the materials that you transferred to us. We have made comments in each case in the column entitled "Client Instructions" and where we ask your instructions and/or action from your part, where necessary.

Please make sure that you review the table carefully for accuracy of all the information and advise us if there are inaccuracies so that we may correct the information.

Please provide us with your instructions and/or materials and executed documents promptly to avoid missing deadlines and thereby accruing fees for unnecessary time extensions or revival of unintentionally abandoned applications. Also, be reminded that in PCT cases, we cannot communicate with the Office until we submit an executed Power of Attorney.

We have already sent you the Power of Attorney documents as well as Assignments for execution in all the cases that are currently active. In all the cases where we have files available, we have submitted a change of attorney address to the PTO so that the correspondence should be arriving to our office. However, if you receive communications from the PTO regarding to cases shown in the Table, please forward them to us promptly so that we can promptly take necessary action.

We will naturally keep you informed about the developments in each of the pending cases. In the mean time, if you have any questions concerning this list or any of the applications, please do not hesitate to contact us.

Very truly yours,
NIXON PEABODY LLP

David S. Resnick
Leena H. Karttunen

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DSR/LHK
Enclosures

Nixon Peabody LLP
Attorneys at Law

101 Federal Street
Boston, Massachusetts 02110-1832
(617) 345-1000

Fax: (617) 345-1300

PRIVILEGE AND CONFIDENTIALITY NOTICE
The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to any ne. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Katherine Chou	Thomas Jefferson University	~~(215) 923-5835~~	(215) 955-6862
2)		(215) 503-6690	
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Leena H. Karttunen	Date: September 18, 2002	No. of Pages: 8 (including this page)	

C mments:

Original of the transmitted document will be sent by:
☐ First Class Mail ☐ Overnight Mail ☐ Hand Delivery ☒ This transmission will be the only form of delivery of this document

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To:	Company	Fax #:	Telephone #:
1) Katherine Chou	Thomas Jefferson University	(215) 923-5835	(215) 955-6862
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Leena H. Karttunen	Date: September 18, 2002	No. of Pages: 8 (including this page)	Client/Matter: 003252-52910
User #: 8859	Ext: 1367	Disbursement Amount: $	

P@B BOSTON

Our Ref. No.	TJU Ref. No.	Serial No./ Filing Date	Inventor	Status	Client Instructions
003252-52890	FIS_EDW.003	60/333,053 11/14/01	Fisher et al.	PENDING - Convert by 11/14/02	**Please provide us materials to prepare a patent application at your earliest convenience if you wish us to proceed because this provisional application is an abstract only and we will need some time to write the actual application.**
003252-NOT OPEN	MAU01.P0002 (MAU01-DSC02) MAU_ALA.002	60/169,448 12/7/99	Mauviel	**ABANDONED** - Utility filed on 12/7/00	-
003252-NOT OPEN	MAU01.NP002 MAU_ALA.002	09/731,604 12/7/00	Mauviel	???- Missing Parts was due 8/21/01 – No indication in File that it was filed – Have executed documents, abandoned due to failure to respond to missing parts	**Advise us if you wish to revive this application which has become abandoned due to failure to submit an executed oath and declaration.**
003252-52900	NOT01.P0001 Not_URL.001	60/270,974 2/23/01	Noth et al.	**ABANDONED** - Utility filed 2/25/02	-
003252-52901	NOT01.NP001 NOT_URL.001	10/082,636 2/25/02	Noth et al.	PENDING	**We filed a Response to Missing Parts on 9/16/02 including the Declaration and fees for the required extension of time.** **Please provide us an executed Power of Attorney at your earliest convenience.**
003252-52910	NOT01-P0002 NOT_URL.002	60/270,977 2/23/01	Noth et al.	**ABANDONED** - Utility Filed 2/25/02	-

003

003252-52911	NOT01-NP001 NOT_URL.001	10/082,705 2/25/02	Noth et al.	PENDING	**We filed a response to Missing Parts 8/22/02 including the Declaration and fees for the required extension of time.** **Please provide us an executed Power of Attorney at your earliest convenience.**
003252-NOT OPEN	FIS02-P00001 FIS_EDW.001	60/161,537 10/26/99	Fisher et al.	**ABANDONED** - Utility and PCT filed 10/26/00	-
003252-NOT OPEN	FIS02-NP001 FIS_EDW.00	09/697,827 10/26/00	Fisher et al.	**ABANDONED?** - Restriction Requirement due 11/07/02 – client instructed not to respond.	-
003252-NOT OPEN	FIS02.PCT01 FIS_EDW.001	PCT/US00/29699 10/26/00	Fisher et al.	**ABANDONED** – 30 month deadline was 4/26/02	-
003252-52920	FIS02-P0002 FIS_EDW.002	60/276,557 3/16/01	Fisher et al.	**ABANDONED** – Utility and PCT might have been filed off of this, see 10/100,823 and PCT/US02/08487	**The applications USSN 10/100,823 and PCT/US02/08487 (see below) look like they are based upon this provisional but as we do not have the filing documents we are not sure.** **Please provide us the complete files for the 10/100,823 and PCT/US02/08487 as soon as possible so that we can promptly**

					respond to any outstanding and upcoming communications from the Patent Office.
003252-52921	FIS02-CP101 FIS_EDW.001	10/100,823 3/18/2002	Fisher et al.	PENDING? we may need to file missing Declaration in order to secure the filing date	Please let us know if you have filing documents relating to this matter as soon as possible because we may need to file missing Declaration in order to secure the filing date and not let this application become abandoned. We did not receive the filing documents although we did receive a Declaration and an Assignment executed by Dr. Fisher but not the other inventor, Dr. Kevi Jon Williams. We await for your instructions concerning this matter.
003252-52922	FIS02_PC201 FIS_EDW.001	PCT/US02/08487 3/18/2002	Fisher et al.	PENDING?	Please let us know if you have filing documents relating to this matter. We have received a Notification of Receipt of Search dated 7/6/2002.
003252-52960	BRA01_P002 BRA_GEO.002	60/203,308 5/10/00	Brainard	ABANDONED – Utility and PCT filed 5/10/01	-
003252-52962	BRA01-PCT02 "	PCT/US01/15272 5/10/01	Brainard	PENDING - Preliminary examination report mailed 7/9/02	Please have a new Power of the Attorney executed at your earliest convenience.
003252-52961	BRA01-NP002 "	09/853,428 5/10/01	Brainard	PENDING - IDS due, we have not yet	1) Please provide us, at your earliest convenience, copies of

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				received the first Office Action.	**the relevant publications cited in this application so that we may timely file an Information Disclosure Statement (IDS). We are happy to order the documents for you if you so wish. If we file the IDS before mailing of the first Office action, no additional fees will be required. 2) Please have a new Power of the Attorney executed at your earliest convenience.**
003252-NOT OPEN	BRA01-P0001 BRA_BGE0.001	60/228,493 8/28/00	Brainard	**ABANDONED No record of Utility or PCT filings**	**Please advise us if US or PCT applications were filed based upon this application. We have not received such files and are therefore unaware of any such filings.**
003252-52980	IAC01-P0001 IAC_LOR.001	60/228,931 8/30/00	Iacovitti and Kessler	**ABANDONED** – Utility and PCT filed 8/29/01	-
003252-52982	IAC01-PCT01 IAC_LOR.001	PCT/US01/21897 8/29/01	Iacovitti and Kessler	**ABANDONED** -No Ch II demand filed timely. No evidence of national stage entry in designated countries.	-
003252-52981	IAC01-NP001 (1	09/942,325 8/29/01	Iacovitti and Kessler	PENDING - IDS due, we have not received the first Office Action yet, not assigned	**1) Please provide us at your earliest convenience copies of the relevant publications cited in this application so that we may timely file an Information**

					Disclosure Statement (IDS). We are happy to order the documents for you if you so wish. If we file the IDS before mailing of the first Office action, no additional fees will be required. **2) Please have a new Power of the Attorney executed at your earliest convenience.** **3) This application has not yet been assigned. Let us know if you wish us to prepare the Assignments.**
003252-52983	038371-000001 IAC_LOR.001	10/215,647 8/9/02	Iacovitti and Kessler	PENDING - CIP of 09/942,325, Missing Parts Response due 11/5/2002, IDS due 11/9/2002.	**1) Please provide us the executed Declaration and Assignment. To avoid extension fees, the Response to missing parts should be filed on or before November 5, 2002.** **2) Please provide us at your earliest convenience copies of the relevant publications cited in this application so that we may timely file an Information Disclosure Statement (IDS). IDS filed during the first three months of filing or before receipt of the first Office Action can be filed without payment of the fee. IDS is due 11/9/2002.** **3) Please confirm that we have the correct TJU Reference**

					Number.
003252-52931	STA01-NP001 ~~STA_LIN~~ STA_LIN.001	09/948,336 9/6/01	Starr-Spires	PENDING	We recommend abandoning this case.
003252-52932	STA01-PCT01 STA_LIN.001	PCT/US01/28028	Starr-Spires	PENDING	We recommend abandoning this case.
003252-NOT OPEN	BRU01-P0002 BRU_JAN.002	60/287,752 5/1/2001	Bruckner	ABANDONED No record of Utility or PCT filings	Please advise us if you are aware of US or PCT applications based upon this provisional application that were filed on or before 5/1/2002. We have not received filed of such applications.
003252-53190-P	BUC01-P0002 BUC_ART.002	60/327,970 10/9/2001	Buchberg et al.	PENDING-Conversion deadline October 9, 2002	Pleas advise us by if you wish to convert this application to US and/or PCT application

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NIXON PEABODY LLP
ATTORNEYS AT LAW
Boston, MA 02110-1832
(617) 345-1000
Fax: (617) 345-1300

Direct Dial: (617) 345-6057
Direct Fax: (866) 743-2115
E-Mail: dresnick@nixonpeabody.com

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January 16, 2003

(F) and Dbase

BRA_GEO 002

OK Tmy 1/21/03

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107

RE: Attorney's Docket No.: 003252-52961
Your Ref. No.: BRA_GEO.002
US Serial No.: 09/853,428
Filed: May 10, 2001
Title: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION PHOTOGRAPHY

Dear Katherine:

Further to our letter of December 31, 2002, enclosed please find a copy of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b). Please note that we will hold off filing the petition to add Gena Glickman as an inventor until we receive notice from the PTO that the abandonment has been rescinded.

As always, please feel free to contact us with questions or comments concerning this matter.

Very truly yours,
NIXON PEABODY LLP

David S. Resnick

DSR/nmg
Enclosure

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Office of Technology Transfer

B652900.1

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PATENT & TRADEMARK OFFICE

BRA_GEO.002

Please type a plus sign (+) inside this box → [+]

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Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/853,428
Filing Date	05/10/2001
First Named Inventor	George Brainard
Group Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961

ENCLOSURES *(check all that apply)*

- [X] Fee Transmittal Form
  - [X] Fee Attached
- [ ] Amendment / Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please *identify below):*

Petition to Revive Application for Patent Abandoned Unintentionally; Check - $620.00; Duplicate Copy (Charge to Deposit Account for $30.00); Cert. of Mail; Return Receipt Postcard.

Remarks

The Commissionner is authorized to charge deficiencies to the NIXON PEABODY Deposit Account No. 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	1/15/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 1/15/2003

Typed or printed name	Nicole M. Gignac		
Signature	Nicole M. Gignac	Date	1/15/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

[X] Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 650.00

Complete if Known	
Application Number	09/853,428
Filing Date	05/10/2001
First Named Inventor	George Brainard
Examiner Name	Roy Dean Gibson
Art Unit	3739
Attorney Docket No.	003252-052961

METHOD OF PAYMENT *(check all that apply)*

[X] Check [ ] Credit card [ ] Money Order [ ] Other [ ] None

[X] Deposit Account:

Deposit Account Number: 50-0850 - Charge deficiencies

Deposit Account Name: NIXON PEABODY LLP

The Commissioner is authorized to: *(check all that apply)*

[X] Charge fee(s) indicated below [X] Credit any overpayments

[ ] Charge any additional fee(s) during the pendency of this application

[ ] Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		=
Independent Claims		- 3** =		X		=
Multiple Dependent						=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	260	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	620.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Charge - $30.00 (remainder enclosed) 30.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 650.00

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	David S. Resnick	*Registration No. (Attorney/Agent)*	34,235	*Telephone*	(617) 345-6057
Signature				*Date*	1/15/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. 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 1.14. 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, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

OIPE JC22
SEP 2 4 2003
PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
3. Duplicate Copy for Charging Deposit Account: Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
4. Check - $620.00;
5. Fee Transmittal (1 pg.);
6. Return Receipt Postcard;

is on the date shown below being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX DAC Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: January 15, 2003

Nicole M. Gignac
(*type or print name of person certifying*)

CONFIDENTIAL

COPY

O I P E JC72
SEP 2 4 2003
PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

1/15/2003
Date

Nicole M. Gignac
type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. SECTION 1.137(b)

1. This application became abandoned on 12/10/2002.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).

3. Response or action required

[ ] has been filed;
[ ] is attached;
[X] Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

(complete the following, if applicable)

[ ] The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

[X] Small business entity-fee $650.00.

5. Payment of fee

[X] Enclosed please find check for $620.00 .
[X] Charge Account 50-0850 for any additional fee required. For deficiencies.
[X] Charge Account 50-0850 remaining sum of $30.00 - a duplicate of this petition is attached.

(complete the following, if applicable)

[ ] Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

[ ] Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 1/15/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

OIPE JC22
SEP 2 4 2003
PATENT & TRADEMARK OFFICE

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

1/15/2003
Date

Nicole M. Gignac
type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. SECTION 1.137(b)

1. This application became abandoned on 12/10/2002.

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).

3. Response or action required

   [ ] has been filed;
   [ ] is attached;
   [X] Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

COPY

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

(complete the following, if applicable)

[ ] The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

[X] Small business entity-fee $650.00.

5. Payment of fee

[X] Enclosed please find check for $620.00 .
[X] Charge Account 50-0850 for any additional fee required. For deficiencies.
[X] Charge Account 50-0850 remaining sum of $30.00 - a duplicate of this petition is attached.

(complete the following, if applicable)

[ ] Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

[ ] Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 1/15/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

COPY

OIPE JC22
SEP 24 2003
PATENT & TRADEMARK OFFICE

NIXON PEABODY LLP
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Direct Fax: (866) 743-2115
E-Mail: dresnick@nixonpeabody.com

BRA_GEO.002
Respond
(F) and Dbase
KC !

February 27, 2003

RECEIVED
FEB 28 2003
Office of Technology Transfer

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107

RE: Attorney's Docket No.: 003252-52961
Your Ref. No.: BRA_GEO.002
US Serial No.: 09/853,428
Filed: May 10, 2001
Title: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION PHOTOGRAPHY

Dear Katherine:

Enclosed please find an Office Action that we have received from the U.S. Patent and Trademark Office in the above-identified application.

You will note that the Examiner has examined claims 1 – 19, a copy of which are attached hereto, and has taken the position that the claims lack novelty under 35 U.S.C. § 102.

By copy of this letter to Drs. Brainard and Glickman, we ask that you please review the Office Action and cited references. For your convenience, we have flagged the section in each noted by the Examiner. Additionally, on the cover sheet of each patent we have noted the claims rejected by the Examiner.

We look forward to your comments and instructions to proceed. After you have had a chance to review this material please give me a call to discuss how to proceed. In the meantime, feel free to contact us with questions or comments concerning this matter.

Very truly yours,
NIXON PEABODY LLP

David S. Resnick

COPY

DSR/nmg
Enclosure: Office Action & Pending Claims
cc/George Brainard (w/Office Action & References & Pending Claims)
Gena Glickman (w/Office Action & Pending Claims)

CONFIDENTIAL
RECEIVED
SEP 26 2003
OFFICE OF PETITIONS

B1236772.1

WHAT IS CLAIMED IS:

1. A method of treating or preventing a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system emits a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

2. The method of **Claim 1**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

3. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system excludes emission of a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

4. The method of **Claim 3**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

5. A light system, comprising at least one light source, said light source emitting a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

6. A light system, comprising at least one light source, said light source excluding emission of a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

7. A transparent composition, comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak transmittance ranging from 425 –505 nm.

8. A translucent composition, comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak transmittance ranging from 425 –505 nm.

9. A transparent composition, comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

10. A translucent composition, comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

11. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian,

photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

12. The method of **Claim 11**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

13. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said translucent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

14. The method of **Claim 13**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

15. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

16. The method of **Claim 15**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

17. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said translucent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –5055 nm.

18. The method of **Claim 17**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

19. A light meter system for quantifying light which stimulates a mammalian circadian, photoneural, or neuroendocrine system under normal conditions or which provides light therapy, said light meter system comprising at least one light metering device configured to match wavelength sensitivity of mammalian photoreceptors for circadian and neuroendocrine regulation, said wavelength having a peak sensitivity ranging from 425-505 nm.

IPE JC SEP 2 4 2003 PATENT & TRADEMARK OFFICE

Office Action Summary	Application No.	Applicant(s)
	09/853,428	BRAINARD, GEORGE
	Examiner	Art Unit
	Roy D. Gibson	3739

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2001*.

2a)☐ This action is FINAL. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3-4 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the method of treating a light responsive disorder can be claimed both as an the exposure of the light and independently as a blocking of the same light. The specification teaches a sequence of both.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (5,447,527). Waldman discloses a method of treating a light responsive disorder (SAD) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (lamp # 4 with filter # 7) the filter transmitting in the range 490-520 nm, which overlaps the range of 425-505 nm (col. 1, lines 11-22, col. 1,

line 64-col. 2, line 19, col. 3, lines 1-23 and col. 4, line 33-41). Note that the filter could be transparent or translucent depending upon the thickness of the coating material(s).

Claims 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujishima et al. (5,855,595) who disclose a tumor treatment apparatus with a light source and a filter which blocks the wavelength range of 400-700 nm (Figures 1 and 4 and col. 1, lines 21-46).

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Girerd (5,083,858). Girerd discloses a transparent or translucent composition (depending upon the thickness of the layers) comprising at least one filtering component which transmits a balance of wavelengths having a peak transmittance ranging from 425-505 nm (peak @ 493 nm and col. 10, lines 31-65, col. 11, line 36-col. 12, line 34 or col. 12, line 55-col. 13, line 33).

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hegyi (5,235,178). Hegyi discloses a light sensor with diffuser whereby the electrical output signal is representative of a response characteristic applied to the input light which corresponds to that of a human eye or is equivalent to a light meter system comprising a light metering device configured to match wavelength sensitivity of the human eye (col. 4, line 1-col. 5, line 20).

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,923,398). Goldman discloses a method of treating a light responsive disorder (circadian disruption) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (LEDs emitting in the range of 500-560 nm, which overlaps the range of 425-505 nm) to stimulate a circadian system (col. 1, lines 20-45, col. 1, line 65-col. 2, lines 9, and col. 5, lines 18-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dial (5,824,024) discloses an illumination device for treating light deficiency and mood disorders that reads on claims 1 and 2; Cole (4,858,6090 discloses a bright light mask that reads on claims 1 and 2; Czeisler et al. (5,545,192) disclose us of light to modify the circadian phase; Lopez-Claros (5,562,719) discloses a

light therapy method and apparatus for treating SAD; and Gerdt (6,235,046) discloses a passive photonic eye delivers system for chronotherapy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 703-308-3520. The examiner can normally be reached on M-F, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0873.

Roy Gibson

May 31, 2002

Roy Gibson
Primary Examiner
Art Unit 3739

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Paper No. 14

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON MA 02110

COPY MAILED
SEP 30 2003
OFFICE OF PETITIONS

In re Application of	:	
George Brainard	:	
Application No. 09/853,428	:	
Filed: May 10, 2001	:	ON PETITION
Attorney Docket No.	:	
BRA01-NP002	:	

This is a decision on the Further Petition filed July 9, 2003, to revive the above-identified application, which is being treated as a Request for Reconsideration of Petition under 37 CFR 1.137(a). Petitioner requests revival based upon an unintentional delay in responding to the Office action under 37 CFR 1.137(a). A three (3) month extension-of-time is requested and is hereby granted.

The petition under is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2002. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 7, 2002. A Notice of Abandonment was mailed on December 10, 2002.

A petition was filed on January 21, 2003, wherein Petitioner asserted that the delay was unavoidable because Petitioner has not received the June 6, 2002, Office action. That petition was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

A Further Petition, filed on July 9, 2003, was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

With the instant petition, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and

docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.

The Notice of Abandonment is hereby withdrawn.

The application file is being forwarded to Technology Center 3739 for re-mailing of the Office action. A new time period for response will be set to run from the mailing date thereof.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

N.K.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

7590 10/24/2003

DAVID S. RESNICK
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101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 10/24/2003 15

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

Office Action Summary	Application No.	Applicant(s)	
	09/853,428	BRAINARD, GEORGE	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3-4 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the method of treating a light responsive disorder can be claimed both as an the exposure of the light and independently as a blocking of the same light. The specification teaches a sequence of both.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (5,447,527). Waldman discloses a method of treating a light responsive disorder (SAD) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (lamp # 4 with filter # 7) the filter transmitting in the range 490-520 nm, which overlaps the range of 425-505 nm (col. 1, lines 11-22, col. 1,

line 64-col. 2, line 19, col. 3, lines 1-23 and col. 4, line 33-41). Note that the filter could be transparent or translucent depending upon the thickness of the coating material(s).

Claims 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujishima et al. (5,855,595) who disclose a tumor treatment apparatus with a light source and a filter which blocks the wavelength range of 400-700 nm (Figures 1 and 4 and col. 1, lines 21-46).

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Girerd (5,083,858). Girerd discloses a transparent or translucent composition (depending upon the thickness of the layers) comprising at least one filtering component which transmits a balance of wavelengths having a peak transmittance ranging from 425-505 nm (peak @ 493 nm and col. 10, lines 31-65, col. 11, line 36-col. 12, line 34 or col. 12, line 55-col. 13, line 33).

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hegyi (5,235,178). Hegyi discloses a light sensor with diffuser whereby the electrical output signal is representative of a response characteristic applied to the input light which corresponds to that of a human eye or is equivalent to a light meter system comprising a light metering device configured to match wavelength sensitivity of the human eye (col. 4, line 1-col. 5, line 20).

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,923,398). Goldman discloses a method of treating a light responsive disorder (circadian disruption) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (LEDs emitting in the range of 500-560 nm, which overlaps the range of 425-505 nm) to stimulate a circadian system (col. 1, lines 20-45, col. 1, line 65-col. 2, lines 9, and col. 5, lines 18-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dial (5,824,024) discloses an illumination device for treating light deficiency and mood disorders that reads on claims 1 and 2; Cole (4,858,6090 discloses a bright light mask that reads on claims 1 and 2; Czeisler et al. (5,545,192) disclose us of light to modify the circadian phase; Lopez-Claros (5,562,719) discloses a

light therapy method and apparatus for treating SAD; and Gerdt (6,235,046) discloses a passive photonic eye delivers system for chronotherapy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 703-308-3520. The examiner can normally be reached on M-F, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0873.

Orig. date
May 31, 2002
Oct. 22, 2003

Roy Gibson
Roy Gibson
Primary Examiner
Art Unit 3739

N tic of References Cited	Application/Control No. 09/853,428	Applicant(s)/Patent Under Reexamination BRAINARD, GEORGE	
	Examiner Roy D. Gibson	Art Unit 3739	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Dat MM-YYYY	Name	Classification
	A	US-5,447,527	09-1995	Waldman, Murray M.	607/88
	B	US-5,923,398	07-1999	Goldman, Neil	351/200
	C	US-5,083,858	01-1992	Girerd, Rene J.	351/163
	D	US-5,235,178	08-1993	Hegyi, Dennis J.	250/226
	E	US-5,824,024	10-1998	Dial, Daniel Christoper	600/27
	F	US-4,858,609	08-1989	Cole, Roger J.	600/26
	G	US-5,545,192	08-1996	Czeisler et al.	607/88
	H	US-5,562,719	10-1996	Lopez-Claros, Marcelo E.	600/27
	I	US-6,235,046	05-2001	Gerdt, David W.	600/26
	J	US-5,855,595	01-1999	Fujishima et al.	250/504R
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

54

L Number	Hits	Search Text	DB	Time stamp
1	2	("5824024").PN.	USPAT; US-PGPUB; EPO; JPO; DERWENT	2003/10/29 12:56
2	5	5824024.URPN.	USPAT	2003/10/29 13:09
3	14	("3986022" | "4074124" | "4091441" | "5259380" | "5343121" | "5441531" | "5589741" | "5645578" | "5749646" | "5782895" | "5793781" | "5824024" | "5849027" | "5961201").PN.	USPAT	2003/10/29 13:21
4	14	("3986022" | "4074124" | "4091441" | "5259380" | "5343121" | "5441531" | "5589741" | "5645578" | "5749646" | "5782895" | "5793781" | "5824024" | "5849027" | "5961201").PN.	USPAT	2003/10/29 13:35

L Number	Hits	Search Text	DB	Time stamp
1	12	sad and ("450" adj nm)	USPAT	2003/10/29 13:56
2	6	circadian and ("450" adj nm)	USPAT	2003/10/29 13:57
3	0	5824859.URPN.	USPAT	2003/10/29 14:00
4	0	5824859.URPN.	USPAT	2003/10/29 14:00
5	8	("4975374" | "5098838" | "5167228" | "5212296" | "5256558" | "5296462" | "5304212" | "5349125").PN.	USPAT	2003/10/29 14:00

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772

7590 11/07/2003

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
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EXAMINER
GIBSON, ROY DEAN

ART UNIT	PAPER NUMBER
3739	

DATE MAILED: 11/07/2003

16

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

Office Action Summary	Application No.	Applicant(s)	
	09/853,428	BRAINARD, GEORGE	
	Examiner	Art Unit	
	Roy D. Gibson	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,11-15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-3,5,6,11-15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Formal Matt rs

The examiner overlooked the amendment attached to the petition filed on July 9, 2003, which was not granted. Therefore, when the new petition filed on Sep. 24, 2003 was granted, the examiner merely mailed a copy of the previous Office action of May 31, 2003. The instant Office action replaces this copy and restarts the time response. Currently claims 1-3, 5, 6, 11-15 and 17 are pending.

Claim Objections

Claim 15 is objected to because of the following informalities: "material" in line 5 is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5, 6 and 11-15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Narrowing of the range of the peak sensitivity from 425 – 505 nm to 435 – 488 nm is new matter and a change in scope of

the invention which is not supported by the specification, i.e., this narrower range must have been recited and its critically disclosed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 6, 11-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerdt (6,235,046).

As to claims 1, 2, 5 and 11-14 Gerdt discloses a system for and a method of treating a light responsive disorder (SAD and other problems associated with circadian rhythms) comprising administration of a therapeutically effective amount of light generated by a light system, wherein the light system emits a balance of wavelengths to stimulate a circadian system of a mammal the balance of wavelengths having a peak sensitivity from about 445 to approximately 500 nm (end of the blue light, which overlaps the range of 435 – 488 nm) by applying a notch filter [which can be transparent or translucent depending upon the thickness of the coating material(s)] that blocks 430 – 440 nm or 10 nm centered about 435 nm (col. 3, lines 18-28, col. 4, lines 30-49, col. 7, lines 13-56, and col. 9, lines 22-42).

As to claims 3, 6, 15 and 17, Gerdt discloses a system for and a method of minimizing circadian and neuroendocrine stimulation or disruption in a mammal by the light system excluding emission of wavelengths having a peak sensitivity ranging from about 445 – approximately 500 nm (which overlaps 435 - 488 nm and col. 9, lines 22-42).

Claims 1-3, 5, 6, 11-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher et al. (6,554,439)

As to claims 1, 2, 5 and 11-14, Teicher et al. discloses a system for and a method of treating a light responsive disorder (SAD and other problems associated with circadian rhythms) comprising administration of a therapeutically effective amount of light generated by a light system, wherein the light system emits a balance of wavelengths to stimulate a circadian system of a mammal the balance of wavelengths having a peak sensitivity from about 470 – 500 nm (which overlaps the range of 435 – 488 nm) by applying a blue filter [which can be transparent or translucent depending upon the thickness of the coating material(s) and col. 2, lines 24-34, col. 2, lines 34-60, col. 3, lines 15-41, col. 3, line 60-col. 4, line 4 and col. 4, lines 33-56].

As to claims 3, 6, 15 and 17, Teicher et al. discloses a system for and a method of minimizing circadian and neuroendocrine stimulation or disruption in a mammal by the light system excluding emission of wavelengths having a peak sensitivity ranging from about 470 - 500 nm (which overlaps 435 - 488 nm and col. 3, lines 37-41).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 703-308-3520. The examiner can normally be reached on M-F, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0873.

Roy D. Gibson

Roy D. Gibson
Primary Examiner
Art Unit 3739

October 31, 2003

Notice of References Cited	Application/Control No. 09/853,428	Applicant(s)/Patent Under Reexamination BRAINARD, GEORGE	
	Examiner Roy D. Gibson	Art Unit 3739	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,235,046	05-2001	Gerdt, David W.	607/88
	B	US-6,554,439	04-2003	Teicher et al.	362/2
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

ATTACHMENT A

OIPE JC25 NOV 10 2003 PATENT & TRADEMARK OFFICE

COPY

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

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Nicole M. Gignac
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P.O. Box 1450
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AMENDMENT

In response to the Office Action of June 6, 2002, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page of this paper.

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

In The Claims

Claim 1 (currently amended) A method of treating or preventing a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system emits a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 2 (original) The method of Claim 1, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 3 (currently amended) A method of minimizing circadian and neuroendocrine stimulation or distruption ~~treating a light responsive disorder~~ in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system excludes emission of a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 4 (canceled)

Claim 5 (currently amended) A light system, comprising at least one light source, said light source emitting a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 6 (currently amended) A light system, comprising at least one light source, said light source excluding emission of a balance of wavelengths to stimulate a mammalian

circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488.

Claim 7 (canceled)

Claim 8 (canceled)

Claim 9 (canceled)

Claim 10 (canceled)

Claim 11 (currently amended) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 12 (original) The method of Claim 11, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 13 (currently amended) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said

translucent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from ~~425 – 505~~ 435 – 488 nm.

Claim 14 (original) The method of Claim 13, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

Claim 15 (original) A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 - 505 nm.

Claim 16 (canceled)

Claim 17 (currently amended) A method of minimizing circadian and neuroendocrine stimulation or disruption ~~treating a light responsive disorder~~ in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said

translucent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 - ~~5055~~ 505 nm.

Claim 18 (canceled)

Claim 19 (canceled)

REMARKS/ARGUMENTS

The present invention relates to Applicant's surprising discovery that human melatonin suppression peaks between 435-488 nm (fig. 11) and that by exposing patients to these wavelengths, light responsive disorders can be treated. Conversely, Applicant has discovered that exposing a patient to light in which these wavelengths have been excluded minimizes circadian and neuroendocrine stimulation or disruption. For example, in other words, exposure to light in which these wavelengths have been excluded will allow one to fall a sleep, while exposure to these wavelengths will stimulate wakefulness.

The claims have been amended to further define the present invention and expedite prosecution. Specifically, claims 4, 7 – 10, 16, and 18 – 19 have been canceled. The remainder of the claims have been amended to recite that the peak sensitivity ranges from 435 – 488nm. Support can be found in Figure 11. The sensitivity range from 435-488 nm relates to the top 25% sensitivity for human melatonin suppression peaks between 435 and 488 nm, as is illustrated in Figure 11 of the present application. Figure 11 describes a spectrally weighted function that is specifically distinct from previously described functions for human day and night vision[1 2] as well as other light driven photobiological responses[3]. No new matter has been added by the amendments to the claims.

---

[1] COMMISSION INTERNATIONALE DE L'ECLAIRAGE: Guide on Interior Lighting, CIE Publication No. 29.2, Vienna, pp. 1 – 113, 1986.

[2] ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA, ed.: Lighting Handbook: Reference & Application, Illuminating Engineering Society of North America, New York, pp. 1 – 989, 1993.

[3] ILLUMINATING ENGINEERING SOCIETY RP-27.1 Photobiological Safety for Lamps and Lamp Systems – General Requirements, 1995.

Claims 3 – 4 and 15 - 18 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that the amendments to claims 3 and 15 have obviated this rejection which should therefore be withdrawn. In order to expedite prosecution, claims 4 and 16 – 18 have been canceled. Accordingly, the rejection has been obviated and should be withdrawn.

Claims 1, 2, 5 and 11 - 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (5,447,527).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

As noted above, the claims now recite a range is from 435 – 488 nm and thus no longer overlap Waldman.

In light of the above and the amendments to the claims, Applicants respectfully requests that the rejection be withdrawn.

Claims 6, 9 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipoted by Fujishima et al. (5,855,595).

Applicant respectfully submits that claim 6 specifically excludes the wavelengths from 435-488 nm. This is not taught or suggested by the cited reference and thus there can be no anticipation. Accordingly, Applicant requests that the rejection be withdrawn.

Claims 7 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Girerd (5,083,858).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

In light of the cancellation of claims 7 and 8, the rejection has been obviated and should be withdrawn.

Claim 19 stands rejected under 35 U.S.C. 102(b) as being anticipated by Hegyi (5,235,178).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

In light of the cancellation of claim 19, the rejection has been obviated and should be withdrawn.

In light of the above and the amendments to the claims, Applicants respectfully requests that the rejection be withdrawn.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,923,398).

Applicant respectfully disagrees and request that this rejection be withdrawn for the following reasons.

As noted above, the claims now recite a range from 435 – 488 nm and thus no longer overlap Goldman.

In light of the above and the amendments to the claims, Applicant respectfully requests that the rejection be withdrawn.

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

In view of the above and foregoing, it is respectfully submitted that the claims now on file are believed to be in condition for allowance, and prompt and favorable action is earnestly solicited. Should there be any question concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Authorization is hereby given to the Commissioner to charge any deficient fees or to credit any overpayment to account no. 50-0850.

Date: 7/7/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
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Boston, MA 02110
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OIPE JC25
NOV 10 2003
PATENT & TRADEMARK OFFICE

3739

Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

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Application Number	09/853,428
Filing Date	May 10, 2001
First Named Inventor	George Brainard
Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961
Total Number of Pages in This Submission	

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- [ ] Amendment/Reply
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  - [ ] Affidavits/declaration(s)
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- [ ] Certified Copy of Priority Document(s)
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- [ ] Drawing(s)
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- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
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Remarks

The Commissioner is authorized to charge fee deficiencies associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	November 6, 2003

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Docket No. 003252-052961 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428 Group: 3739
Filed: May 10, 2001 Examiner: Roy Dean Gibson
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

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LETTER TO EXAMINER

On October 27, 2003, the undersigned received an Office Action mailed October 24, 2003 in the above-identified Application. It is noted that this Office Action appears to be the same as the Office Action dated June 6, 2002. The Applicant notes that a response to the June 6, 2002 Office Action was filed in connection with the petition to revive. For the convenience of the Examiner, a copy of that response is enclosed herewith. Accordingly, the applicant requests that the previously filed response be considered.

Should the Examiner have any questions, he is requested to contact the undersigned.

Applicants:	George Brainard		
Serial No.:	09/853,428	Group:	3739
Filed:	May 10, 2001	Examiner:	Roy Dean Gibson
For:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY		

Applicant does not believe that any fees are associated with this submission. However, authorization is hereby given to the Commissioner to charge any deficient fees to the Nixon Peabody LLP Deposit Account No. 50-0850.

Date: 11/6/03

Respectfully submitted,

Customer No.: 26770

David S. Resnick (Reg. No. 34,235)
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EP	04 60 212 A1

Rose-tinted treatment. In: OPTICIAN, Oct.1, 1993, No.5421, Vol.206, S.7;

(54) Brille für die Farb-Therapie

DE 297 13 395 U 1

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14918.8/97 La/fe
25. Juli 1997

Brille für die Farb-Therapie

Die Erfindung betrifft eine Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind.

Als Alternative oder als Ergänzung zu der Nadeltherapie in der Akupunktur ist es bekannt, eine zu therapierende Stelle des menschlichen Körpers mit Licht bestimmter Farbe, d.h. eines bestimmten Wellenlängenbereichs zu bestrahlen. Zu diesem Zweck sind sogenannte Licht-Stifte mit einer Lichtquelle bekannt, der ein auswechselbares Farb-Filter vorgeschaltet ist, um einen bestimmten Wellenbereich auswählen zu können. Zu Therapiezwecken wird die Spitze des Licht-Stiftes auf die zu therapierende Stelle aufgesetzt und die Lichtquelle angeschaltet, wodurch die Lichtstrahlen auf die Körperstelle auftreffen und in das Gewebe eindringen.

Neben der äußeren Anwendung der Farb-Therapie ist es auch bekannt, bestimmte Farben im Körperinneren wirken zu

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lassen, indem der zu therapierende Mensch eine Brille mit eingefärbten Brillengläsern aufsetzt, so daß das Auge verstärkt Licht in der gewünschten Farbe wahrnimmt. Es hat sich jedoch gezeigt, daß die auf diese Weise zu erzielenden therapeutischen Wirkungen sich nicht im gewünschten Maße einstellen.

Der Erfindung liegt die Aufgabe zugrunde, eine Brille der genannten Art zu schaffen, die in der Farb-Therapie unter Erzielung guter therapeutischer Wirkungen einsetzbar ist.

Diese Aufgabe wird erfindungsgemäß mit einer Brille gemäß einem der nebengeordneten Ansprüche 1 bis 7 gelöst.

Die Erfindung geht von der Grundüberlegung aus, daß die bisher bekannten Brillen mit eingefärbten Brillengläsern im wesentlichen deshalb von nur geringem therapeutischen Nutzen sind, weil in das Auge des Betrachters Licht eingebracht wird, das aus Lichtanteilen verschiedener Wellenlängen und Intensitäten in undefinierter Weise zusammengesetzt ist. Bei der erfindungsgemäßen Brille sind die Brillengläser so ausgestaltet, daß sie nur Licht einer genau vorherbestimmten, eng definierten Wellenlänge hindurchlassen, so daß das Auge definierte Farbimpulse erhält, die die therapeutische Wirkung erheblich steigern. Als besonders vorteilhaft in Abhängigkeit von den zu behandelnden Beschwerden haben sich die folgenden Wellenlängen erwiesen:

a.) Licht mit einer Wellenlänge im Bereich von 408 nm bis 412 nm, vorzugsweise von genau 410 nm (violett),

b.) Licht mit einer Wellenlänge im Bereich von 448 nm bis 452 nm, vorzugsweise von genau 450 nm (blau),

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c.) Licht mit einer Wellenlänge im Bereich von 503 nm bis 507 nm, vorzugsweise von genau 505 nm (türkis),

d.) Licht mit einer Wellenlänge im Bereich von 528 nm bis 532 nm, vorzugsweise von genau 530 nm (grün),

e.) Licht mit einer Wellenlänge im Bereich von 578 nm bis 582 nm, vorzugsweise von genau 580 nm (gelb),

f.) Licht mit einer Wellenlänge im Bereich von 618 nm bis 622 nm, vorzugsweise von genau 620 nm (orange),

g.) Licht mit einer Wellenlänge im Bereich von 698 nm bis 702 nm, vorzugsweise von genau 700 nm (rot).

Die angegebenen Bereiche geben lediglich die herstellungsbedingten Schwankungen des Filters wieder.

Als besonders vorteilhaft hat es sich erwiesen, die Brillengläser auswechselbar am Brillengestell zu lagern, so daß zu therapeutischen Zwecken lediglich ein Brillengestellt vorhanden sein muß, in das je nach Bedarf die entsprechenden Brillengläser bzw. Filter eingesetzt werden.

Die einzige Figur zeigt eine Brille 10 mit einem Brillengestell 11 herkömmlichen Aufbaus mit zwei Bügeln 11a. In dem Brillengestell 11 sind zwei Brillengläser 12 auswechselbar gelagert, die nur Licht einer bestimmten Wellenlänge hindurchlassen, wobei die Wellenlängen oben angegeben sind.

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14918.8/97 La/fe
25. Juli 1997

Schutzansprüche

1. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 408 nm bis 412 nm, vorzugsweise von 410 nm (violett) hindurchläßt.

2. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 448 nm bis 452 nm, vorzugsweise von 450 nm (blau) hindurchläßt.

3. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur

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Licht mit einer Wellenlänge im Bereich von 503 nm bis 507 nm, vorzugsweise von 505 nm (türkis) hindurchläßt.

4. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 528 nm bis 532 nm, vorzugsweise von 530 nm (grün) hindurchläßt.

5. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 578 nm bis 582 nm, insbesondere 580 nm (gelb) hindurchläßt.

6. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 618 nm bis 622 nm, insbesondere von 620 nm (orange) hindurchläßt.

7. Brille für die Farb-Therapie, mit einem Brillengestell, in dem zwei Brillengläser gehalten sind, wobei die Brillengläser als Filter ausgestaltet sind, dadurch gekennzeichnet, daß das Filter nur Licht mit einer Wellenlänge im Bereich von 698 nm bis 702 nm, insbesondere von 700 nm (rot) hindurch-

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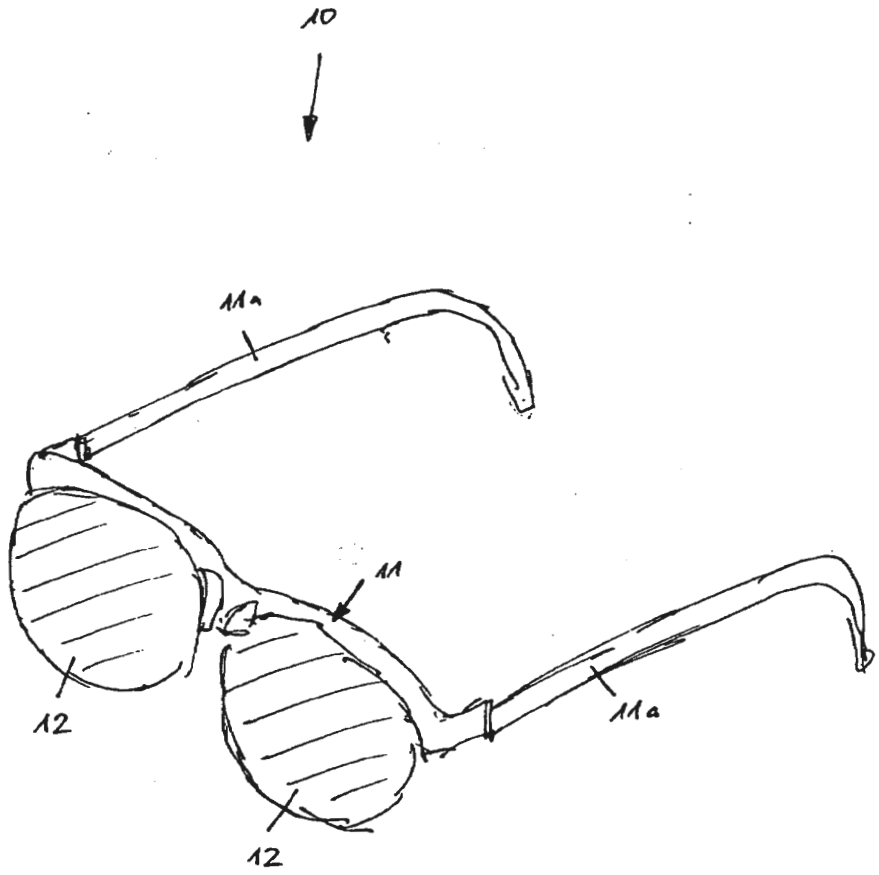
läßt.

8. Brille nach einem der Ansprüche 1 bis 7, dadurch gekennzeichnet, daß die Brillengläser auswechselbar am Brillengestell gelagert sind.

29.07.97



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(12) DEMANDE DE BREVET D'INVENTION A1

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(72) **Inventeur(s)** : GODART Patrice.

(73) **Titulaire(s)** :

(74) **Mandataire** : Cabinet Sauvage.

(54) Filtres colorés pour chromothérapie, lunettes incorporant de tels filtres et application au rééquilibrage psychologique de sujets.

(57) Le spectre de transmission du filtre comporte au moins une plage choisie parmi celles indiquées ci-après:

a) pour une longueur d'onde (lo) de 540 nm:> 1 % et <5 %
pour une lo de 620 nm:> 20 % et <75 %
b) pour une lo de 400 nm:> 30 % et <55 %
pour une lo de 620 nm:> 1 % et <65 %
pour une lo de 700 nm:> 40 % et <75 %
c) pour une lo de 420 nm:> 3 % et <30 %
pour une lo de 480 nm:> 20 % et <40 %
pour une lo comprise entre 620 et 720 nm: <3 %
d) pour une lo comprise entre 480 et 660 nm:<5 %.

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La présente invention concerne des filtres colorés pour chromothérapie, des lunettes ayant de tels filtres pour "verres" et l'application de ces filtres, inclus dans ces lunettes, ou utilisés d'autres facons, au rééquilibrage psychologique d'un sujet.

Certaines couleurs, telles que le vert ou le bleu, sont réputées avoir un effet calmant, tandis que d'autres, telles que le rouge, sont censées avoir un effet contraire. Ces appréciations sont en fait assez grossières et pas nécessairement conformes à la réalité.

Les travaux du Demandeur lui ont permis de constater qu'en sélectionnant convenablement la couleur de filtres, on pouvait obtenir des écrans qui, lorsqu'ils sont interposés, pendant une durée relativement courte, entre la lumière du jour, ou une autre source lumineuse appropriée, et les yeux d'un sujet, sont susceptibles d'avoir une action bénéfique sur le plan psychologique du sujet en question.

Plus précisément, les filtres selon l'invention ont pour but de diminuer ou supprimer le "stress", les tensions nerveuses, physiques ou mentales, ainsi que les perturbations psychologiques ; de compenser ainsi les effets néfastes, tels qu'insomnie, agressivité, etc., des agressions extérieures et des émotions négatives (peur, angoisse), et d'améliorer par suite le comportement du sujet.

Ces buts sont atteints au moyen de filtres caractérisés en ce que leur spectre de transmission comporte au moins une plage choisie parmi celles indiquées ci-après :

a) pour une longueur d'onde de 540 nm : au minimum 1 % et au maximum 5 %

pour une longueur d'onde de 620 nm : au minimum 20 % et au maximum 75 %

b) pour une longueur d'onde de 400 nm : au minimum 30 % et au maximum 55 %

pour une longueur d'onde de 620 nm : au minimum 1 % et au maximum 65%

pour une longueur d'onde de 700 nm : au minimum 40 % et au maximum 75 %

c) pour une longueur d'onde de 420 nm : au minimum 3 % et au maximum 30 %

pour une longueur d'onde de 480 nm : au minimum 20 % et au maximum 40 %

pour une longueur d'onde comprise entre 620 et 700 nm : au maximum 3 %

d) pour une longueur d'onde comprise entre 480 et 660 nm : au maximum 5 %

Des modes de réalisation préférés de l'invention correspondant à des filtres appartenant à l'une des quatre familles ci-dessus, se caractérisent par les maxima de transmission ci-après :

- type a), maximum de transmission à 660 nm ou 664 nm ou 666nm ou 680nm.
- type b), maximum de transmission à 400 nm ou 696 nm.
- type c), maximum de transmission à 476 nm ou 492 nm ou 500 nm ou 504 nm ou 520 nm.
- type d), maximum de transmission à 500 nm ou 700 nm.

Le choix du type de filtre à utiliser dépend des troubles dont souffre le sujet à traiter et du sujet lui-même. Il y a donc une part de tâtonnement dans la détermination du ou des filtres qui conviennent à un sujet donné à l'intérieur d'une gamme sélectionnée et, parfois, le sujet a besoin de plusieurs types de filtre entre lesquels il fait son choix selon son état.

Les filtres peuvent être réalisés par tout procédé connu. Chacun peut être formé d'un unique substrat coloré ayant le spectre de transmission voulu ou de la juxtaposition de plusieurs susbstrats colorés dont les spectres individuels s'additionnent.

Dans la présente description et dans les revendications, on entend par "filtre" un substrat coloré ayant à lui seul, ou une juxtaposition de substrats colorés

ayant ensemble, les caractéristiques de transmission selon l'invention.

Les filtres peuvent, en outre, être transparents ou seulement translucides : même incorporés à une monture de lunettes, ils ne sont pas destinés à un port prolongé et, a fortiori, permanent ; ils peuvent donc ne pas autoriser la vision de l'environnement à travers eux.

Lorsqu'ils sont translucides mais non transparents, et formés d'un substrat unique, ce substrat pourra être dépoli. Lorsqu'ils sont formés de la juxtaposition de plusieurs susbstrats, l'un de ceux-ci pourra être un diffuseur, coloré ou non.

Comme substrats colorés et comme diffuseurs, on peut employer avantageusement des films plastiques du commerce normalement destinés à l'industrie cinématographique, tels que les produits distribués par la société ROSCO.

Selon l'effet recherché, lorsque les filtres selon l'invention sont incorporés, comme "verres" à une monture de lunettes, lesdits verres peuvent être identiques ou, au contraire, le verre droit peut être constitué par un filtre différent de celui constituant le verre gauche.

L'invention est décrite ci-après avec davantage de détail par référence aux dessins annexés dans lesquels :

- les figures 1a et 1b représentent, respectivement, le spectre de transmission de filtres colorés utilisés respectivement comme verre gauche et comme verre droit d'une paire de lunettes de chromothérapie, dite "lunettes L1",

- les figures 2 à 13 représentent le spectre de transmission de filtres colorés utilisés comme verres gauche et droit de paires de lunettes de chromothérapie, dite respectivement "lunettes L2 à L13", et

- la figure 14 est une vue en coupe schématique prise au travers des verres et du pont nasal des lunette L1.

Sur les figures 1a, 1b, 2 à 13, la longueur d'onde , exprimée en nanomètres, est portée en abscisse et le

pourcentage de transmission est porté en ordonnée. La représentation de ces spectres constitue à l'évidence la meilleure et la plus précise définition des caractéristiques de transmission des filtres préférés selon l'invention.

Toutes les lunettes, sauf les L1 et L10, sont translucides mais non transparentes.

Comme il ressort de la figure 4, les lunettes L1 sont constituées d'une monture comprenant un pont nasal 1 d'un seul tenant avec les parties annulaires 1a et 1b adaptées à recevoir des verres, d'une manière connue en soi. A cette fin, une gorge réceptrice 2a et 2b est ménagée respectivement dans chaque partie 1a et 1b. Les références 3a et 3b désignent les branches de lunettes et les références 4a et 4b des charnières.

Dans la gorge 2a sont insérés deux substrats colorés et transparents S1 et S2, juxtaposés et formant ensemble un filtre L1G. De même, dans la gorge 2b sont insérés deux substrats colorés et transparents S3 et S4, juxtaposés et formant ensemble un filtre L1D. Les filtres L1G et L1D, étant constitués de substrats différents, sont différents, comme cela ressort clairement de leur spectre représéntés aux figures 1a et 1b.

A titre d'exemples, on donne ci-après les références dans la gamme ROSCO des substrats utilisés pour réaliser les filtres colorés de certaines de lunettes dont le spectre est représenté aux figures 2, 9, 11 et 12.

Lunettes L2 : deep straw 15 (Supergel)
green diffusion 122 (Supergel)
light steel blue 175 (Eurofilter)

Lunettes L9 : light steel blue 175 (Eurofilter)
medium blue green 116 (Eurofilter)
diffuseur opal 310 (Eurofilter)

Lunettes L11: medium blue green 116 (Eurofilter)
Azure blue 72 (Supergel)
diffuseur tough rolux 300 (Eurofilter)

Lunettes L12: flesh pink 192A (Eurofilter)
pink 108 (Eurofilter)
diffuseur silent frost 329 (Eurofilter)

Dans ces exemples, les substrats ont été juxtaposés dans l'ordre indiqué, de l'intérieur vers l'extérieur, mais en fait cet ordre n'est pas critique. Tous les diffuseurs utilisés dans ces exemples ne sont pas eux-mêmes colorés.

Les filtres selon l'invention, incorporés dans des montures de lunettes, ont été soumis à des essais de port sur plusieurs dizaines de personnes liées par un accord de confidentialité.

Ces personnes ont été informées que :

- l'efficacité des lunettes dépendait, entre autres, du moment et de la condition de l'utilisateur ;
- les bienfaits étaient particulièrement remarquables au commencement de la journée et dans les moments de stress, de déséquilibre émotionnel, de fatigue, d'excitation, etc.;
- il est important de laisser continuer, pendant quelques minutes, l'action chromothérapique des lunettes après les avoir enlevées, et ne s'extérioriser que progressivement (c'est pourquoi le port successif et immédiat de différentes lunettes n'est pas indiqué) ;
- il convient d'observer calmement l'influence des lunettes pour pouvoir en déterminer l'utilisation la plus juste ; et
- il est fortement conseillé de ne pas dépasser quelques minutes de port les premiers jours et, par la suite, de jamais les utiliser excessivement (un port de 5 à 20 mn maximum est généralement suffisant).

Quelques cas sont rapportés ci-dessous :

Observation n° 1 :

Age 66 ans - sexe féminin - sans profession

Cette personne souffre d'insomnies, de migraines fréquentes et de dépression depuis une quarantaine d'années ; elle a essayé de nombreux médicaments et remèdes de toutes sortes, avec des résultats très éphémères, en particulier pour l'insomnie et les migraines pour lesquelles elle n'a jamais vraiment connu d'amélioration.

Elle porte les lunettes L2, au coucher, une dizaine de minutes, ce, pendant quatre mois. Elle retrouve le sommeil dès le début de l'expérimentation et voit ses migraines s'atténuer et se raréfier progressivement.

Observation n° 2 :

Age 35 ans - sexe féminin - institutrice

Cette personne souffre depuis quinze ans d'une fragilité nerveuse qui s'exprime par de nombreux symptômes physiques et psychologiques, dont des pertes de vitalité quasi-instantanées et de la confusion mentale.

Depuis le port des lunettes L2 ou L10, selon ses besoins, pour une durée de 5 à 15 minutes, elle retrouve à chaque fois, dans les minutes qui suivent, clarté d'esprit et dynamisme.

Observation n° 3 :

Age 48 ans - sexe féminin - comptable

En dépression depuis dix ans, cette personne a entepris, il y a un an, de suivre des séances de relaxation qui atténuent ses angoisses.

Néanmoins, elle absorbe alors quotidiennement des médicaments allopathiques pour l'angoisse (Veratran), pour les tremblements (Attrium 100), quatre hypnotiques (Havlane, Romypnol, Stilnox, Praxinor), un correcteur de tension (Heptamyl), un médicament pour la constipation (Laxamalt) et

un pour la circulation sanguine (Esberiven).

Le port des lunettes L8, L11 et L12, quotidiennement par périodes de 10 mn, selon les besoins dans la journée et le soir avant le coucher, lui permet en quatre mois de diminuer progressivement, puis d'éliminer totalement ses médicaments avec une amélioration constante de son état de santé, le retour du dynamisme et de l'optimisme, du sommeil, l'arrêt des tremblements et une régularisation de sa tension artérielle.

Observation n° 4 :
Age 33 ans - sexe féminin - biologiste

Cette personne porte les lunettes L11 et L12 pendant les derniers mois de sa grossesse, quotidiennement pendant une dizaine de minutes, en fonction de son état d'anxiété et après son travail. Elle constate à chaque fois, après plusieurs minutes, la disparition de son stress et l'apparition d'un état profond de relaxation.

Elle porte les lunettes L12 pendant 20 mn juste avant son accouchement. Celui-ci, qui a duré une demi-heure, s'est déroulé dans les meilleures conditions, sans aucune appréhension et dans un état de relaxation mentale.

Observation n° 5 :
Age 47 ans - sexe masculin - directeur commercial

Cette personne, ancienne poliomyélitique, souffre de stress, d'angoisse, de palpitations et d'arythmie cardiaque.

Elle porte, sur une période de six mois, les lunettes L9 quotidiennement, à raison de 5 à 15 mn, et constate dès les premières semaines un rééquilibre nerveux et psychologique, une diminution très nette du stress et une régularisation de son rythme cardiaque.

Observation n° 6 :

Age 41 ans - sexe féminin - sans profession

En dépression depuis cinq ans, elle suit plusieurs cures de désintoxication alcoolique et prend quotidiennement du Laroxyl 50, du Neuleptyl et du Tranxène 50.

La pratique de la relaxation, depuis un an, améliore son état sans pour autant éliminer ses crises d'angoisse, d'alcoolisme et de dépression.

Elle porte quotidiennement, pendant cinq mois, par périodes de 5 à 10 mn, les lunettes L9 et L12, plusieurs fois par jour, selon les besoins. Cela lui permet de retrouver goût à la vie, de retrouver un sommeil normal et d'éliminer quasi-totalement sa dépression et son alcoolisme. Elle a pu, au cours de cette période, s'affranchir de tous ses médicaments.

L'invention n'est pas limitée aux exemples de filtres colorés dont les spectres de transmission ont été représentés, ni à leur utilisation montés dans des lunettes. On pourrait, par exemple, utiliser ces filtres pour équiper les moyens d'éclairage de cabines de relaxation ou de toute autre façon, pourvu que le sujet puisse recevoir visuellement un faisceau lumineux de la couleur voulue.

REVENDICATIONS

1 - Filtre coloré pour chromothérapie, caractérisé en ce que son spectre de transmission comporte au moins une plage choisie parmi celles indiquées ci-après :

a) pour une longueur d'onde de 540 nm : au minimum 1 % et au maximum 5 %

pour une longueur d'onde de 620 nm : au minimum 20 % et au maximum 75 %

b) pour une longueur d'onde de 400 nm : au minimum 30 % et au maximum 55 %

pour une longueur d'onde de 620 nm : au minimum 1 % et au maximum 65%

pour une longueur d'onde de 700 nm : au minimum 40 % et au maximum 75 %

c) pour une longueur d'onde de 420 nm : au minimum 3 % et au maximum 30 %

pour une longueur d'onde de 480 nm : au minimum 20 % et au maximum 40 %

pour une longueur d'onde comprise entre 620 et 700 nm : au maximum 3 %

d) pour une longueur d'onde comprise entre 480 et 660 nm : au maximum 5 %

2 - Filtre coloré selon la revendication 1, caractérisé en ce que son spectre de transmission comporte une plage de type a), avec un maximum de transmission à 660 nm (L4) ou 664 nm (L5) ou 666nm (L10) ou 680nm (L3).

3 - Filtre coloré selon la revendication 1, caractérisé en ce que son spectre de transmission comporte une plage de type b), avec un maximum de transmission à 400 nm (L6 et L8) ou 696 nm (L12).

4 - Filtre coloré selon la revendication 1, caractérisé en ce que son spectre de transmission comporte une plage de type c), avec un maximum de transmission à 476 nm (L1G) ou 492 nm (L1D) ou 500 nm (L9) ou 504 nm (L11) ou 520 nm (L7).

5 - Filtre coloré selon la revendication 1, caractérisé

en ce que son spectre de transmission comporte une plage de type d), avec un maximum de transmission à 500 nm (L2) ou 700 nm (L13).

6 - Filtre coloré selon l'une quelconque des revendications 1 à 5, caractérisé en ce qu'il est réalisé par juxtaposition d'au moins deux substrats colorés (S1, S2 ; S3, S4) dont les effets s'additionnent.

7 - Filtre coloré selon l'une quelconque des revendications 1 à 6, caractérisé en ce qu'il a un spectre de transmission tel que représenté à l'une des figures 1a, 1b, 2 à 13.

8 - Filtre coloré selon l'une quelconque des revendications 1 à 7, caractérisé en ce qu'il est transparent.

9 - Filtre coloré selon l'une quelconque des revendications 1 à 7, caractérisé en ce qu'il est translucide mais non transparent.

10 - Filtre coloré selon l'une quelconque de revendication 9, caractérisé en ce qu'il est realisé par juxtaposition d'un ou plusieurs substrats colorés transparents et d'un diffuseur.

11 - Lunettes pour chromothérapie comprenant une monture (1, 1a-b, 3a, 3b) adaptée à recevoir un "verre" droit et un "verre" gauche, caractérisée en ce que chacun desdits verres est constitué par un filtre (L1G, L1D) selon l'une quelconque des revendications 1 à 10.

12 - Lunettes selon la revendication 11, caractérisée en ce que son verre droit est constitué par un filtre (L1D, S3-S4) différent de celui (L1G, S1-S2) constituant son verre gauche.

13 - Application du filtre coloré selon l'une quelconque des revendications 1 à 10, ou des lunettes selon la revendication 11 ou 12, à la relaxation d'un sujet et/ou la récupération de son dynamisme.

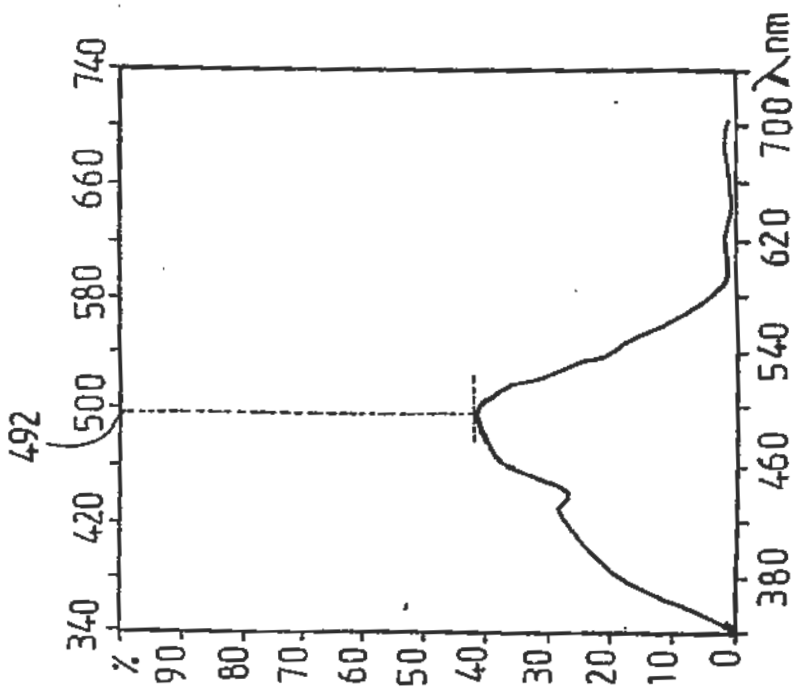
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FIG1b

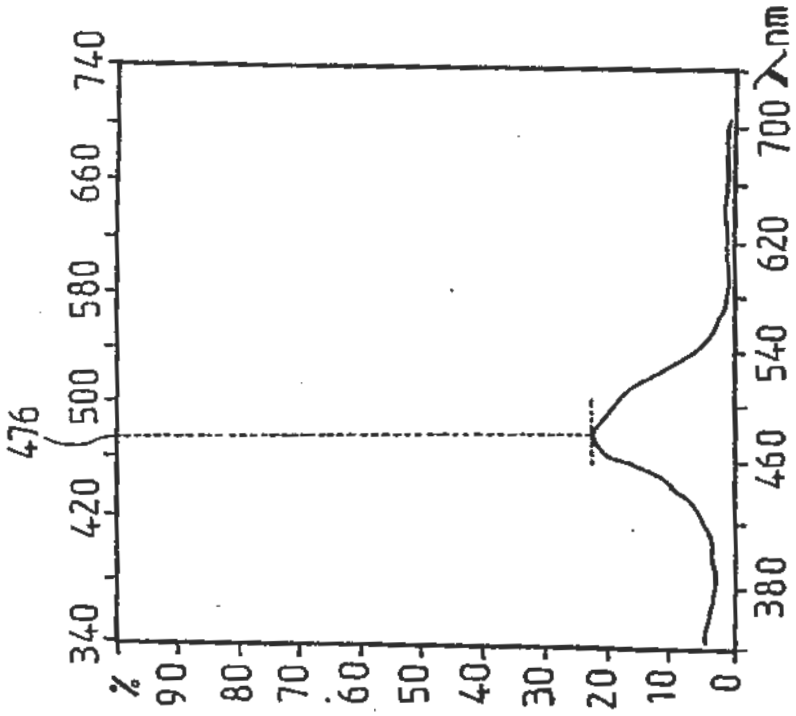
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FIG1a

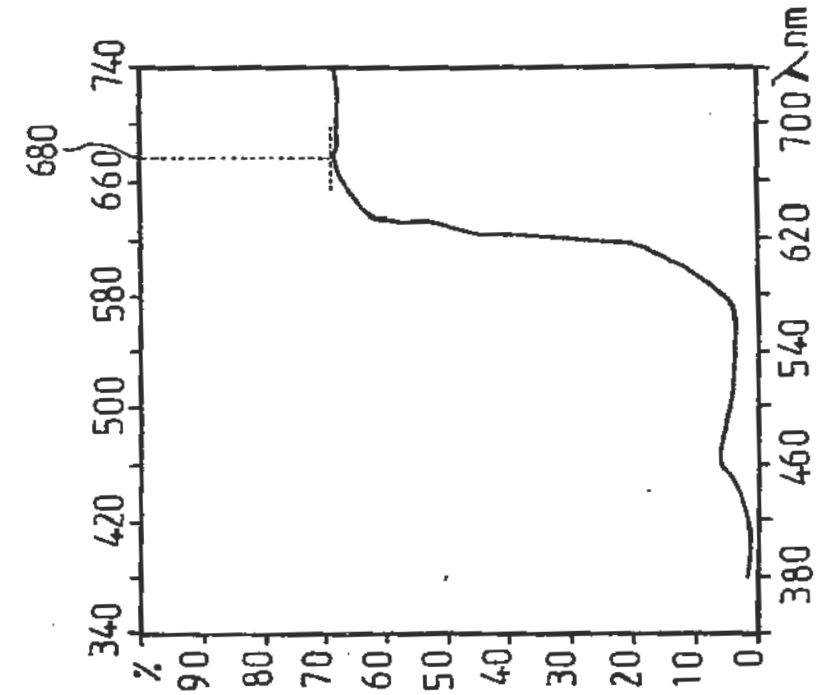
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FIG3

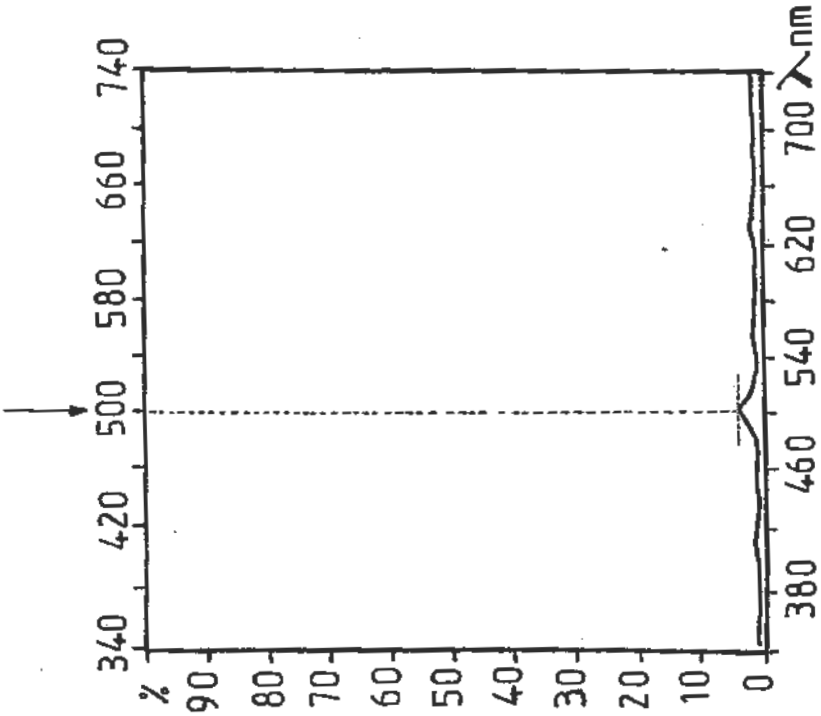
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FIG2