



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

18/130,902

04/05/2023

Suresh C. Srivastava

4925-123

3841

6449

7590

09/01/2023

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

901 New York Avenue, N.W.

SUITE 900 East

WASHINGTON, DC 20001

EXAMINER

WITZ, JEAN C

ART UNIT

PAPER NUMBER

3991

NOTIFICATION DATE

DELIVERY MODE

09/01/2023

ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROTHWELL, FIGG, ERNST & MANBECK, P.C. : REISSUE APPLICANT
901 NEW YORK AVENUE, N.W. :
SUITE 900 EAST :
WASHINGTON, DC 20001 :

In re Reissue Application of: SRIVASTAVA et al. :
Appl. No.: 18/130,902 : **SUSPENSION OF**
Attorney Docket No.: 4925-123 : **EXAMINATION UNDER**
Filed: April 5, 2023 : **37 CFR § 1.103(e)**

For: **SYNTHESIS OF LABILE BASE PROTECTED - MODIFIED DEOXY AND MODIFIED
RIBO NUCLEOSIDES, CORRESPONDING PHOSPHORAMIDITES AND SUPPORTS
AND THEIR USE IN HIGH PURITY OLIGONUCLEOTIDE SYNTHESIS**

A review of Office records for this reissue application indicate that the patent being sought for reissue (U.S. Patent No. 9,884,885) is involved in a concurrent trial before the Patent Trial and Appeal Board (PTAB) (See IPR 2023-00490).

MPEP § 1442.02 provides, in relevant part:

To avoid duplicating effort, **action in reissue applications in which there is an indication of concurrent litigation will generally be suspended *sua sponte***. Also, if there is a pending trial before the Patent Trial and Appeal Board (PTAB), the PTAB may suspend action in the reissue application. If it is evident to the examiner, or the applicant indicates, that any one of the following applies:

- (A) a stay of the litigation is in effect;
- (B) the litigation or trial before the PTAB has been terminated;
- (C) there are no significant overlapping issues between the application and the litigation or pending trial before the PTAB; or
- (D) it is applicant's desire that the application be examined at that time;

then the Office may . . . suspend the reissue application using its discretion based upon the facts of the situation.

Where none of (A) through (D) above apply, action in the reissue application in which there is an indication of concurrent litigation will be suspended by the examiner.

In view of the concurrent trial before the Patent Trial and Appeal Board and pursuant to MPEP § 1442.02, prosecution in the above-referenced reissue application is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS from the date of this letter. Upon expiration of the period of suspension,

Applicant should make an inquiry as to the status of the application. Any inquiry concerning this decision should be directed to Stephen Stein whose telephone number is (571) 272-1544.

/Stephen J. Stein/
Stephen Stein
Managing Quality Assurance Specialist
Central Reexamination Unit