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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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18/130,902

04/05/2023

Suresh C. Srivastava

4925-123

3841

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02/28/2024

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

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EXAMINER

WITZ, JEAN C

ART UNIT

PAPER NUMBER

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**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.

IPR2023-00490

Ex. 3004



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ROTHWELL, FIGG, ERNST & MANBECK, P.C. : REISSUE APPLICANT  
901 NEW YORK AVENUE, N.W. :  
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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 indicates that the patent being sought for reissue (U.S. Patent No. 9,884,885) remains involved in a concurrent trial before the Patent Trial and Appeal Board (PTAB) (See IPR2023-00490).

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 still pending IPR2023-00490 trial before the Patent Trial and Appeal Board and pursuant to MPEP § 1442.02, prosecution in the above-referenced reissue application **continues to be SUSPENDED FOR A PERIOD OF AN ADDITIONAL SIX (6) MONTHS** from the mailing date of this letter. Upon expiration of the period of suspension, reissue 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