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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/827,529	03/23/2020	Max Spielberg	Genexa-012	7548
11743	7590	10/12/2022	EXAMINER	
David W Barman			KOSSON, ROSANNE	
David W Barman			ART UNIT	
PO BOX 613127			PAPER NUMBER	
North Miami, FL 33261			1655	
			NOTIFICATION DATE	
			DELIVERY MODE	
			10/12/2022	
			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):

david@thepatentman.com
dwbarman@gmail.com
uspto@dockettrak.com

Notice of Abandonment	Application No. 16/827,529	Applicant(s) Spielberg et al.
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--		
<p>This application is abandoned in view of:</p> <ol style="list-style-type: none"> 1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>24 January 2022</u>. <ol style="list-style-type: none"> (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 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) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.) (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a <i>bona fide</i> attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 8 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). <ol style="list-style-type: none"> (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). <ol style="list-style-type: none"> (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 or other party authorized under 37 CFR 1.33(b). See 37 CFR 1.138(b). 5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application. 6. ☐ The decision by the Patent Trial and Appeal Board rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims. 7. ☐ The dismissal of the appeal in an application having no allowed claims. (When an appeal is dismissed in an application having no allowed claims the application stands abandoned. See MPEP 1215.04 subsections I-V for an explanation of the reasons why an appeal is dismissed.) 8. ☐ The reason(s) below: _____ 		
/NICHELE D PETERSON/		
Petitions to revive under 37 CFR 1.137, 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.		

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David W Barman
David W Barman
PO BOX 613127
North Miami, FL 33261



**Courtesy Reminder for
Application Serial No: 16/827,529**

Attorney Docket No: Genexa-012
Customer Number: 11743
Date of Electronic Notification: 01/24/2022

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

david@thepatentman.com
dwbarman@gmail.com
dwbarman@gmail.com

To view your correspondence online or update your email addresses, please visit us anytime at **<https://ppair-my.uspto.gov/pair/PrivatePair>**. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051



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11743	7590	01/24/2022	EXAMINER	
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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):

david@thepatentman.com
dwbarman@gmail.com
dwbarman@gmail.com

Office Action Summary	Application No. 16/827,529	Applicant(s) Spielberg et al.	
	Examiner ROSANNE KOSSON	Art Unit 1655	AIA (FITF) Status Yes

-- 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 2 MONTHS 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 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 6/28/21.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

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

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

4) ☐ 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*

5) ☒ Claim(s) 1-2 and 4-21 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.

6) ☐ Claim(s) ____ is/are allowed.

7) ☐ Claim(s) ____ is/are rejected.

8) ☐ Claim(s) ____ is/are objected to.

9) ☒ Claim(s) 1-2 and 4-21 are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

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

11) ☐ 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).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

a) ☐ All b) ☐ Some** c) ☐ None of the:

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.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.

4) ☐ Other: ____.

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION- *Election/Restriction*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. Claims 1-2 and 4-14, drawn to a liquid composition comprising an active pharmaceutical agent, a base, dextrose, fruit powder and herbs, classified in CPC subgroup A61K 36/00.
2. Claims 15-21, drawn to a method of making a liquid composition, by (a) making a preservative blend, (b) combining the preservative blend with a base and with herbs to form a pre-mix, (c) heating the pre-mix, (d) adding more base, (e) heating the pre-mix (of step c? or of step d?) until it is homogenous and (f) cooling the homogenous mixture to room temperature, classified in CPC subgroups A61K 36/00 and B01F 2003/0035.

Note: Letters or Roman numerals should be added to label the steps, to separate the steps, to make the claim clearer and easier to read, as the claim is complex and lengthy.

The inventions are independent or distinct, each from the other because:

Inventions 2 and 1 are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product of Group 1 can be made by another method. The product of Group 1 is a liquid that comprises an active pharmaceutical agent, a base, sugar (dextrose), a fruit in powdered form, citric acid and herbs. This composition can be made by dissolving the components in water and mixing them, with a hand-held mixer or in a blender if needed, to form a uniform mixture. The steps of Group 2 are not required. Therefore, these inventions are patentably distinct.

Inventions 2 and 1 are also directed to an unrelated product and process. Product and process inventions are unrelated if it can be shown that the product cannot be used in, or made by, the process. See MPEP § 802.01 and § 806.06. In this case, the method of Group 2 does

not make the product of Group 1, as the product of Group 1 comprises an active pharmaceutical agent, which is not part of the method of Group 2. Therefore, these combinations of inventions are patentably distinct.

Restriction for examination purposes as indicated is proper because all the inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other invention.

Species restrictions

This application contains claims directed to the following patentably distinct species.

- a) If Applicant elects Group 1, in the combination of claims 4 and 5, Applicant must elect whether the herbs comprise tumeric root, fennel seed and ginger root (claim 4) or *Echinacea purpurea* (claim 5).
- b) If Applicant elects Group 1, in the combination of claims 8 and 9, Applicant must elect whether the fruit powder is elderberry (claim 8) or acerola (claim 9).
- c) If Applicant elects Group 1, in the combination of claims 10-12, Applicant must elect whether the base is agave (claim 10) or honey (claim 11) or a composition comprising agave (claim 12).
- d) If Applicant elects Group 2, in the combination of claims 20 and 21, Applicant must elect whether the herbs comprise tumeric root, fennel seed and ginger root (claim 20) or *Echinacea purpurea* (claim 21).

The species are independent or distinct because each species has a different structure and different biological, chemical and pharmaceutical/medicinal properties (different herbs in the liquid composition, different fruits in the fruit powder, different natural products in the base, different herbs in the pre-mix in the method of making a product). In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 15 are generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should

submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be corrected in compliance with 37 CFR 1.48(a) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. A request to correct inventorship under 37 CFR 1.48(a) must be accompanied by an application data sheet in accordance with 37 CFR 1.76 that identifies each inventor by his or her legal name and by the processing fee required under 37 CFR 1.17(i).

The examiner has required restriction between product or apparatus claims and process claims. Where applicant elects claims directed to the product/apparatus, and all product/apparatus claims are subsequently found allowable, withdrawn process claims that include all the limitations of the allowable product/apparatus claims should be considered for rejoinder. All claims directed to a nonelected process invention must include all the limitations of an allowable product/apparatus claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product/apparatus claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product/apparatus are found allowable, an otherwise proper restriction requirement between product/apparatus claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product/apparatus claim will not be rejoined. See MPEP § 821.04. Additionally, in

order for rejoinder to occur, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product/apparatus claims. **Failure to do so may result in no rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSANNE KOSSON whose telephone number is (571)272-2923. The examiner can normally be reached on M,T,F-9-6:30;W-9-2:30;Th. off.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey, can be reached on 571 272 0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Also, as part of the current policy for increased Internet security, please fill out the electronic form PTO/SB/439 authorizing communication via the Internet, the link to which is <http://www.uspto.gov/sites/default/files/documents/sb0439.pdf>. This form is a very brief and simple request. Once the signed form is submitted online, it will become part of the PTO's

image database (PAIR for Applicants) and nothing else need be filed. The advantage of completing this form at this time is that, should Examiner find the claims allowable with an examiner's amendment, Examiner will be able to send you the examiner's amendment by e-mail, which would greatly expedite prosecution.

/ROSANNE KOSSON/
Primary Examiner, Art Unit 1655
2022-01-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Spielberg

Art Unit: 1655

Serial No.: 16/827,529

Confirmation No.: 7548

Filing Date: 03-23-2020

Examiner: KOSSON

**STABLE LIQUID
FORMULATIONS FOR
PHARMACEUTICALS AND
SUPPLEMENTS**

VIA EFS

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

PRELIMINARY AMENDMENT

Prior to examination on the merits, please amend the above-captioned patent application as follows:

A Listing of Claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Conclusion begins on page 10 of this paper.

Electronic Acknowledgement Receipt	
EFS ID:	43105943
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	Nigamnarayan Acharya/Belinda Love
Filer Authorized By:	Nigamnarayan Acharya
Attorney Docket Number:	Genexa-012
Receipt Date:	28-JUN-2021
Filing Date:	23-MAR-2020
Time Stamp:	14:20:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		196300-010005_Preliminary_Amendment_dated_6-28-21.pdf	131221	yes	7
			28a2212630567aa0ffa963f77c1cd16556fd0b08		

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Applicant Arguments/Remarks Made in an Amendment	6	7
	Claims	2	5
	Preliminary Amendment	1	1
Warnings:			
Information:			
Total Files Size (in bytes):		131221	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>			

Remarks

Claim 3 has been cancelled without prejudice or disclaimer of the subject matter therein. Applicant has preliminarily amended the claims. Claims 4-21 are new and support for these claims can be found in the Specification.

Support for Claim 4 can be found in Table 1.

Support for Claims 6-9 can be found in the Summary.

Support for Claim 10-14 can be found in Table 2 and Paragraph 50.

Support for Claims 15-20 can be found in Paragraphs 50-56 of the published application, which are directly found in the specification as originally filed.

No new matter has been added.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. If the Examiner has any questions that can be answered by telephone, Applicant invites the Examiner to contact the undersigned attorney of record at the telephone number listed below.

Respectfully submitted,
GREENBERG TRAURIG LLP

Date: June 28, 2021

/Nigamnarayan Acharya/
Nigamnarayan Acharya
Attorney Registration No.: 54,953

GREENBERG TRAURIG LLP (ATL)
C/O: GREENBERG TRAURIG LLP
Intellectual Property Department
77 West Wacker Drive, Suite 3100
Chicago, IL 60601
678-553-2357

CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A liquid composition comprising:
~~a primary component being an Active Pharmaceutical Ingredient; (API), a nutritional supplement, or combinations thereof;~~
a base; and
a preservative blend comprising dextrose, ~~either, Organic Cultured Dextrose, Organic Elderberry (16:1 Fruit Powder), Organic Compliant Citric Acid, and herbs Organic Turmeric Root Powder Organic Fennel Seed Powder Organic Ginger Root, in a ratio of 1:0.8-1.0:0.55-0.65:0.40-0.54:0.05-0.09:0.05-0.09~~ or ~~Organic Cultured Dextrose Organic Elderberry (16:1 Fruit Powder) Organic Compliant Citric Acid Organic Echinacea Purpurea Herb (6:1), in a ratio of 1:0.60-0.70:0.55-0.65:0.35-0.44.~~
2. (Currently Amended) The composition of claim 1, wherein the preservative blend is 2-5% w/w of the composition.
3. (Canceled)
4. (New) The composition of claim 1, wherein the herbs comprise turmeric root, fennel seed, and ginger root.

5. (New) The composition of claim 1, wherein the herbs comprise Echinacea Purpurea Herb.

6. (New) The composition of claim 1, the ratio of dextrose to fruit powder is about 6:1.

7. (New) The composition of claim 1, wherein the ratio of dextrose to citric acid is about 1:0.55 and 1:0.65.

8. (New) The composition of claim 1, wherein the fruit powder is elderberry.

9. (New) The composition of claim 1, wherein the fruit powder is acerola.

10. (New) The liquid composition of claim 1, wherein the base is agave.

11. (New) The liquid composition of claim 1, wherein the base is honey.

12. (New) The liquid composition of claim 1, wherein the base comprises agave.

13. (New) The liquid composition of claim 1, further comprising a flavoring agent.

14. (New) The liquid composition of claim 13, wherein the flavoring agent is acerola.

15. (New) A method of preparing a liquid composition comprising the steps of:

providing a preservative blend comprising citric acid and fruit powder;
combining the preservative blend with a base and herbs to form a pre-mix;
heating the pre-mix;
combining the pre-mix with additional base;
heating the pre-mix until the pre-mix is homogenous so to form a homogenous mixture; and
cooling the homogenous mixture at room temperature.

16. (New) The method of claim 15, further comprising:
combining the homogenous mixture with a flavor.

17. (New) The method of claim 15, wherein the base is agave.

18. (New) The method of claim 15, the preservative blend comprises dextrose and citric acid.

19. (New) The method of claim 15, wherein the pre-mix is heated at a temperature between about 100 degrees F and 320 degrees F.

20. (New) The method of claim 15, wherein the herbs comprise turmeric root, fennel seed, and ginger root.

21. (New) The method of claim 15, wherein the herbs comprise Echinacea Purpurea Herb.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875			Application or Docket Number 16/827,529		Filing Date 03/23/2020		☐ To be Mailed	
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO								
APPLICATION AS FILED - PART I								
		(Column 1)	(Column 2)					
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)		
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =	*		x \$50 =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		x \$230 =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))								
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL			
APPLICATION AS AMENDED - PART II								
		(Column 1)	(Column 2)		(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =		
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						TOTAL ADD'L FEE		
AMENDMENT	06/28/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	x \$50 =	0	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$240 =	0	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						TOTAL ADD'L FEE	0	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LDRC		
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/EVA V GILLIS/		
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".								
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.								

This collection of information is required by 37 CFR 1.16. 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.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

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David W. Barman
17071 West Dixie Highway
Miami, FL 33160



**Courtesy Reminder for
Application Serial No: 16/827,529**

Attorney Docket No: Genexa-012
Customer Number: 11743
Date of Electronic Notification: 03/30/2021

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

dwbarman@gmail.com
USPTO@dockettrak.com

To view your correspondence online or update your email addresses, please visit us anytime at **<https://ppair-my.uspto.gov/pair/PrivatePair>**. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051



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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548
IMPROPER CFR REQUEST



Date Mailed: 03/30/2021

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- Any request to correct or update the name of the applicant must include an application data sheet (ADS) in compliance with 37 CFR 1.76 specifying the correct or updated name of the applicant in the applicant information section. Any request to change the applicant after an original applicant has been specified under 37 CFR 1.46(b) must include a new ADS in compliance with 37 CFR 1.76 specifying the applicant in the applicant information section and comply with 37 CFR 3.71 and 3.73. See 37 CFR 1.46(c).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ttran/



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16/827,529	03/23/2020	Max Spielberg	Genexa-012

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David W. Barman
17071 West Dixie Highway
Miami, FL 33160

**CONFIRMATION NO. 7548
IMPROPER CPOA LETTER**



Date Mailed: 03/30/2021

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the power of attorney filed 03/25/2021. The power of attorney in this application is not accepted for the reason(s) listed below:

- The power of attorney has not been accepted because the party who is giving power has not been identified. Power of attorney may only be signed by the applicant for patent (37 CFR 1.42) or the patent owner. A party who is not the applicant must become the applicant in accordance with 37 CFR 1.46(c) and appoint any power of attorney in compliance with 37 CFR 3.71 and 3.73. For a reissue application, reexamination proceeding, or supplemental examination proceeding, a patent owner who was not the applicant under 37 CFR 1.46 must appoint any power of attorney in compliance with 37 CFR 3.71 and 3.73. See 37 CFR 1.32(b)(4).

/ttran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

33717
GREENBERG TRAURIG LLP (GT)
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77 WEST WACKER DRIVE, SUITE 3100
CHICAGO, IL 60601
UNITED STATES

page 1 of 1

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

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Application Serial No: 16/827,529**

Attorney Docket No: Genexa-012
Customer Number: 11743
Date of Electronic Notification: 03/18/2021

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An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

dwbarman@gmail.com
USPTO@dockettrak.com

To view your correspondence online or update your email addresses, please visit us anytime at **<https://ppair-my.uspto.gov/pair/PrivatePair>**.
If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date
16/827,529	March 23, 2020

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- ☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:
- OR
- ☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- ☒ The address associated with the above-mentioned Customer Number
- OR
- ☐ The address associated with Customer Number:
- OR

☐ Firm or Individual Name				
Address				
City		State		Zip
Country				
Telephone		Email		

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Genexa Inc.

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity)

Signature		Date (Optional)	
Name	Max Spielberg		
Title	President		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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.

Electronic Acknowledgement Receipt	
EFS ID:	42276872
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	Nigamnarayan Acharya/Belinda Love
Filer Authorized By:	Nigamnarayan Acharya
Attorney Docket Number:	Genexa-012
Receipt Date:	25-MAR-2021
Filing Date:	23-MAR-2020
Time Stamp:	07:21:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73	196300-010005_Statement_Under_3-73_16827529_7548.pdf	112852 f1a1c48bca83a39cad5655cb5848fo7dc270f06	no	3

Warnings:

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Information:					
2	Power of Attorney	196300-010005_POA_SIGNED_16827529_7548.pdf	1176660	no	1
			76a9004c20538463aef5a4d11e228e1dc16a468b		
Warnings:					
Information:					
Total Files Size (in bytes):			1289512		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: GENEXA INC.

Application No./Patent No.: 16/827,529

Filed/Issue Date: March 23, 2020

Titled: Stable liquid formulations for pharmaceuticals and supplements

GENEXA INC., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is _____. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 055276, Frame 0514, or for which a copy thereof is attached.
- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. 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.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Nigamnarayan Acharya/

Signature

Nigamnarayan Acharya

Printed or Typed Name

March 24, 2021

Date

54,953

Title or Registration Number

[Page 2 of 2]

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Privacy Act Statement

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

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

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



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548
IMPROPER CFR REQUEST



Date Mailed: 03/18/2021

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Power of Attorney, Claims, Fees, System Limitations, and Miscellaneous

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/hsarwari/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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/hsarwari/

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33717
GREENBERG TRAURIG LLP (GT)
C/O: GREENBERG TRAURIG
INTELLECTUAL PROPERTY DEPARTMENT
77 WEST WACKER DRIVE, SUITE 3100
CHICAGO, IL 60601
UNITED STATES

page 1 of 1

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date
16/827,529	March 23, 2020

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- ☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:
- ☐ OR
- ☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- ☒ The address associated with the above-mentioned Customer Number
- OR
- ☐ The address associated with Customer Number:
- OR

☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

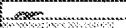
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Genexa Inc.

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity)

Signature		Date (Optional)	
Name	Max Spielberg		
Title	President		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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.

Electronic Acknowledgement Receipt	
EFS ID:	42182941
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	Nigamnarayan Acharya/Belinda Love
Filer Authorized By:	Nigamnarayan Acharya
Attorney Docket Number:	Genexa-012
Receipt Date:	15-MAR-2021
Filing Date:	23-MAR-2020
Time Stamp:	16:01:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	196300-010005_POA_SIGNED_16827529_7548.pdf	1176660 76a9004c20538463aef5a4d11e228e1dc16a468b	no	1

Warnings:

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Information:	
Total Files Size (in bytes):	1176660
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

CONFIRMATION NO. 7548

PUBLICATION NOTICE

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160



Title:Stable liquid formulations for pharmaceuticals and supplements

Publication No.US-2020-0338200-A1

Publication Date:10/29/2020

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <https://portal.uspto.gov/pair/PublicPair>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

page 1 of 1

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PGR2023-00051

Electronic Acknowledgement Receipt	
EFS ID:	40747864
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	David Wade Barman
Filer Authorized By:	
Attorney Docket Number:	Genexa-012
Receipt Date:	02-OCT-2020
Filing Date:	23-MAR-2020
Time Stamp:	14:32:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Preliminary Amendment	GENEXA-012-PRELIM-AMEND. pdf	68673 a926cf3aa80c03671e77e869999fc9b97b529f969	no	5

Warnings:

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Information:	
Total Files Size (in bytes):	68673
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	

Practitioner's Docket No.: Genexa-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 16/827,529 Confirmation No. 3338
Filing Date : March 23, 2020
Applicant : SPIELBERG
Title : STABLE LIQUID FORMULATIONS FOR
PHARMACEUTICALS AND SUPPLEMETNTS
TC/AU : 1629
Examiner : ROSANNE KOSSON
Docket No. : Genexa-012
Customer No. : 11743

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

PRELIMINARY
AMENDMENT

Honorable Commissioner:

Prior to Examination of the above referenced application, Please enter as follows:

- **Amendments to the Claims** begin on page 2 of this paper.
- **Remarks** begin on page 5 of this paper.

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A liquid composition comprising:
 - a primary component being an Active Pharmaceutical Ingredient (API), a nutritional supplement, or combinations thereof:
 - a base;
 - a preservative blend comprising either, ~~Organic Cultured Dextrose, Organic Elderberry (16:1 Fruit Powder)~~
~~Organic Compliant Citric Acid~~
~~Organic Turmeric Root Powder~~
~~Organic Fennel Seed Powder~~
~~Organic Ginger Root, in a ratio of 1:0.8 1.0:0.55 0.65:0.40 0.54:0.05 0.09:0.05 0.09~~
or
~~Organic Cultured Dextrose~~
~~Organic Elderberry (16:1 Fruit Powder)~~
~~Organic Compliant Citric Acid~~
~~Organic Echinacea Purpurea Herb (6:1)~~

i) Organic Cultured Dextrose

ii) Organic Elderberry (16:1 Fruit Powder)

iii) Organic Compliant Citric Acid

iv) Organic Echinacea Purpurea Herb (6:1), in a ratio of wherein the ratios of components (i)-(vi) are

1:0.60-0.70:0.55-0.65:0.35-0.44.

2. (original) The composition of claim 1 wherein the preservative blend is 2-5% w/w of the composition.

3. (currently amended) A method of preparing a liquid composition of claim 1 comprising the steps of:

a) Providing components of a preservative blend, wherein the components are:
~~comprising either Organic Compliant Citric Acid—~~

~~Organic Turmeric Root Powder~~

~~Organic Fennel Seed Powder—~~

~~Organic Ginger Root, or~~

i) Organic Cultured Dextrose

ii) Organic Elderberry (16:1 Fruit Powder)

iii) Organic Compliant Citric Acid

iv) Organic Echinacea Purpurea Herb (6:1),

and b) combining them into an herbal pre-mix, pre-mix;

c) blending them into blend into a small amount of the base the base; and

d) heating ~~heat~~ the mixture made in step (c) between 180-200 degrees Fahrenheit, to create ~~the~~ a second pre-mix containing the herbal ingredients;

e) combining the second pre-mix ~~and mix with the remainder of the~~ with a mixture of agave/honey (the majority of the formula) agave and honey , which was has been heated to about 100° F degrees until ~~the pre-mix is~~ and mixing until the second pre-mix and the mixture of agave and honey are homogenous and becomes one product;

f) cooling the ~~combined~~ mixture made in step (e) to room ~~temperature~~ temperature; and

g) introducing ~~introduce~~ flavors once at room temperature; and

~~placing the combined cooled room temperature product containing flavors (pre-mix and remainder of formula); and~~

h) mixing the composition made in step (g) to form a uniform composition.

Inventor: SPIELBERG
Serial No.: 16/827,529

REMARKS

In the subject Application, please enter the claim amendments prior to examination.

Applicant represents and asserts no new matter is added by any amendment herein.

In the event the Office required anything additional, or if this submission is in any way deficient, please contact the undersigned attorney of record.

Respectfully submitted,

/David W. Barman/
David W. Barman
Reg. No. 47225

October 2, 2020

The Law Office of
David W. Barman P.A.
17071 West Dixie Highway
North Miami Beach, Florida 33160
Tel.: (786) 361-6579
Fax: (786) 752-3228

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875		Application or Docket Number 16/827,529	Filing Date 03/23/2020	☐ To be Mailed
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO				
APPLICATION AS FILED - PART I				
	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	x \$50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	x \$230 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	
APPLICATION AS AMENDED - PART II				
	(Column 1)	(Column 2)	(Column 3)	
10/02/2020	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)
Total (37 CFR 1.16(i))	* 3	Minus ** 20	= 0	x \$50 =
Independent (37 CFR 1.16(h))	* 1	Minus *** 3	= 0	x \$240 =
☐ Application Size Fee (37 CFR 1.16(s))				
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				
TOTAL ADD'L FEE				0
	(Column 1)	(Column 2)	(Column 3)	
Total (37 CFR 1.16(i))	* 3	Minus ** 20	= 0	x \$0 =
Independent (37 CFR 1.16(h))	* 1	Minus *** 3	= 0	x \$0 =
☐ Application Size Fee (37 CFR 1.16(s))				
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				
TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.				
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".				
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.				

This collection of information is required by 37 CFR 1.16. 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.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/827,529	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	75		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	330		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	380		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	3	minus 20 = *	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 230 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	785		TOTAL	
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
<p style="font-size: x-small;">* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p style="font-size: x-small;">** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p style="font-size: x-small;">*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p style="font-size: x-small;">The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.</p>							

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
16/827,529	03/23/2020	1629	785	Genexa-012	3	2

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

**CONFIRMATION NO. 7548
UPDATED FILING RECEIPT**



0000000118554570

Date Mailed: 07/20/2020

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. 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 submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Max Spielberg, Beverly Hills, CA;
David Johnson, Beverly Hills, CA;

Applicant(s)

Max Spielberg, Beverly Hills, CA;
David Johnson, Beverly Hills, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 15/912,785 03/06/2018 PAT 10596266
which claims benefit of 62/580,648 11/02/2017

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: No

page 1 of 4

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Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/17/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/827,529**

Projected Publication Date: 10/29/2020

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Stable liquid formulations for pharmaceuticals and supplements

Preliminary Class

514

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

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countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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 CFR 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 37 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 Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); 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).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop

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KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

CORRECTED ADS FORM

Application Number	16827529
Title of Invention	Stable liquid formulations for pharmaceuticals and supplements

Inventor Information

****If no data is shown, no data has been corrected****

	Data of Record	Updated Data
Order Number		
Name		

Residence Information

Residency		
City		
State		
Country of Residence		

Mailing Address of Inventor

Address 1		
Address 2		
City, State/Province, Postal Code		
Country		

Application Information

	Data of Record	Updated Data
Title of Invention	Stable liquid formulations for pharmaceuticals and supplements	
Attorney Docket Number	Genexa-012	
Entity Type	Small	

Domestic Benefit/National Stage Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a).

	Data of Record	Updated Data
Prior Application Status	patented	
Application Number	16827529	
Continuity Type	CON	
Prior Application Number	15912785	
Filing Date (YYYY-MM-DD)	2018-03-06	
Patent Number	10596266	
Issue Date (YYYY-MM-DD)	2020-03-24	

		Data of Record	Updated Data
	Prior Application Status		<u>expired</u>
	Application Number		<u>15912785</u>
	Continuity Type		<u>PRO</u>
	Prior Application Number		<u>62580648</u>
	Filing Date (YYYY-MM-DD)		<u>2017-11-02</u>
	Patent Number		
	Issue Date (YYYY-MM-DD)		

Foreign Priority Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

		Data of Record	Updated Data
	Application Number		
	Country		<u>US</u>
	Filing Date		
	Access Code		

Applicant Information

****If no data is shown, no data has been corrected****

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

	Data of Record	Updated Data
Applicant Type		

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is		
Name of the Deceased or Legally Incapacitated Inventor		
Applicant is an Organization		
Name		
Organization Name		
Address 1		
Address 2		
City,State/Province,Postal Code		
Country		
Phone Number		
Fax Number		
Email Address		

Assignee Information including Non-Applicant Assignee Information

****If no data is shown, no data has been corrected****

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office

	Data of Record	Updated Data
Order		
Applicant is an Organization		
Name		

Organization Name		
Mailing Address		
Address 1		
Address 2		
City,State/Province,Postal Code		
Country		
Phone Number		
Fax Number		
Email Address		

Signature

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/David W Barman/	Registration Number	47225
First Name	David	Last Name	Barman

Electronic Acknowledgement Receipt	
EFS ID:	40021922
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	
Customer Number:	11743
Filer:	David Wade Barman
Filer Authorized By:	
Attorney Docket Number:	Genexa-012
Receipt Date:	16-JUL-2020
Filing Date:	23-MAR-2020
Time Stamp:	14:55:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet to update/ correct info	CorrectedADS.pdf	70227	no	5
			b2097a5ae410f9804717fb3b402d0cb39d39237b		

Warnings:

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Information:	
Total Files Size (in bytes):	70227
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) Genexa-012																																		
Application Number 16/827,529	Filed 03-23-2020																																			
For Stable liquid formulations for pharmaceuticals and supplements																																				
Art Unit 1629	Examiner																																			
<p>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.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☐ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$200</td><td style="text-align: center;">\$100</td><td style="text-align: center;">\$50</td><td>\$ _____</td></tr><tr><td>☒ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$600</td><td style="text-align: center;">\$300</td><td style="text-align: center;">\$150</td><td>\$ <u>300</u></td></tr><tr><td>☐ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,400</td><td style="text-align: center;">\$700</td><td style="text-align: center;">\$350</td><td>\$ _____</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,200</td><td style="text-align: center;">\$1,100</td><td style="text-align: center;">\$550</td><td>\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,000</td><td style="text-align: center;">\$1,500</td><td style="text-align: center;">\$750</td><td>\$ _____</td></tr></tbody></table> <p>☒ Applicant asserts small entity status. See 37 CFR 1.27.</p> <p>☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.</p> <p>☐ A check in the amount of the fee is enclosed.</p> <p>☐ Payment by credit card. Form PTO-2038 is attached.</p> <p>☐ The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p>☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.</p> <p>☐ Payment made via EFS-Web.</p> <p>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.</p> <p>I am the</p> <p>☐ applicant.</p> <p>☒ attorney or agent of record. Registration number <u>47225</u></p> <p>☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.</p> <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; vertical-align: bottom;">/David W Barman/ _____ Signature</td><td style="width: 50%; vertical-align: bottom;">07-16-2020 _____ Date</td></tr><tr><td style="vertical-align: bottom;">David W Barman _____ Typed or printed name</td><td style="vertical-align: bottom;">786-361-6579 _____ Telephone Number</td></tr></table> <p>NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</p>				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☐ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ _____	☒ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ <u>300</u>	☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	/David W Barman/ _____ Signature	07-16-2020 _____ Date	David W Barman _____ Typed or printed name	786-361-6579 _____ Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
☐ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ _____																																
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☐ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ _____																																
☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____																																
☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____																																
/David W Barman/ _____ Signature	07-16-2020 _____ Date																																			
David W Barman _____ Typed or printed name	786-361-6579 _____ Telephone Number																																			
☒ * Total of <u>1</u> 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 1.11 and 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Electronic Patent Application Fee Transmittal				
Application Number:		16827529		
Filing Date:		23-Mar-2020		
Title of Invention:		Stable liquid formulations for pharmaceuticals and supplements		
First Named Inventor/Applicant Name:		Max Spielberg		
Filer:		David Wade Barman		
Attorney Docket Number:		Genexa-012		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	2252	1	300	300
Miscellaneous:				
Total in USD (\$)				300

Electronic Acknowledgement Receipt	
EFS ID:	40020661
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable liquid formulations for pharmaceuticals and supplements
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	David Wade Barman
Filer Authorized By:	
Attorney Docket Number:	Genexa-012
Receipt Date:	16-JUL-2020
Filing Date:	23-MAR-2020
Time Stamp:	14:01:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	\$ 300
RAM confirmation Number	E20207FE01245924
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	Genexa-012-EOT-072020.pdf	97028	no	1
			3f49ea0bb80c0b0f708ef0b41a0b6dca57653fba		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30438	no	2
			03fb197337a6a50ae8c252974299b7d861982195		
Warnings:					
Information:					
Total Files Size (in bytes):			127466		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548
IMPROPER CFR REQUEST



Date Mailed: 07/16/2020

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Continuity, Priority Claims, Petitions, and Non-Publication Requests

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

Improper Benefit Claim(s) to Prior-Filed Provisional Application(s)

The benefit claim(s) to prior-filed provisional application(s) is improper because the instant application was not filed within twelve (12) months from the filing date of the provisional application, and there is no indication of an intermediate nonprovisional or international application designating the United States that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application. Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed applications (including an indication of any intermediate application that is directly claiming the benefit of the provisional application and filed with 12 months of the filing date of the provisional application) as required by 37 CFR 1.78.

Alternatively, if the instant application (or intermediate application) was filed within 14 months of the prior provisional application, applicant may file a petition (in the instant application or the intermediate application, as appropriate) to restore the benefit of the provisional application if the delay in filing the instant application (or intermediate application) within the 12 month time period was unintentional. See 37 CFR 1.78 for the requirements of a petition to restore the benefit of the provisional application.

For applications filed on or after September 16, 2012, applicant must submit a corrected application data sheet (ADS) to include a specific reference.

Timeliness: The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78, the petition fee set forth in 37 CFR 1.17(m), and the required reference are filed.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office

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KINDERFARMS LLC. v. GENEXA INC.
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of Data Management, Application Assistance Unit, at
(571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ttran/

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PGR2023-00051

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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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
16/827,529	03/23/2020	1629	785	Genexa-012	3	2

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548 UPDATED FILING RECEIPT



Date Mailed: 07/16/2020

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. 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 submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Max Spielberg, Beverly Hills, CA;
David Johnson, Beverly Hills, CA;

Applicant(s)

Max Spielberg, Beverly Hills, CA;
David Johnson, Beverly Hills, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 15/912,785 03/06/2018 PAT 10596266

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: No

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

page 1 of 3

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Projected Publication Date: Incomplete Reply

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Stable liquid formulations for pharmaceuticals and supplements

Preliminary Class

514

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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 CFR 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 37 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 Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); 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).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548
37 CFR 1.48 ACKNOWLEDGEMENT
LETTER



OC000000118485219

Date Mailed: 07/16/2020

NOTICE OF ACCEPTANCE OF REQUEST UNDER 37 CFR 1.48(a)

This is in response to the applicant's request under 37 CFR 1.48(a) submitted on 07/14/2020.

The request under 37 CFR 1.48(a) to correct the inventorship, to correct or update the name of an inventor, or to correct the order of names of joint inventors is accepted.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ttran/

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/827,529	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	75		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	330		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	380		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	3	minus 20 = *	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 230 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	785		TOTAL	
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

CONFIRMATION NO. 7548 FORMALITIES LETTER



OC000000118485387

Date Mailed: 07/16/2020

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/14/2020 to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION (Notice) mailed 04/03/2020 and it has been entered into the application. The reply, however, is not a complete reply for the reason(s) listed below. A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria VA 22313-1450.

The period for reply continues to run from the date of the Notice mailed 04/03/2020.

Applicant's reply to the Notice mailed on 04/03/2020 was received in the U.S. Patent and Trademark Office on 07/14/2020, after the expiration of the two month period for reply set forth in the Notice. The application will become abandoned unless applicant obtains an extension of the period for reply, as above. The petition must be accompanied by the appropriate fee as set forth in 37 CFR 1.17 (see the current fees below). The date on which the reply, the petition, and the fee have been filed is the date of the reply and also the date for purposes of determining the period of extension and the corresponding amount of the fee due. The expiration of the time period is determined by the amount of the fee paid. Applicant is advised that extensions may not be granted under 37 CFR 1.136(a) for more than FIVE MONTHS beyond the time period set in the Notice.

Items Required to Avoid Abandonment:

The required items noted below SHOULD be filed along with any items required above.

Mail date of Notice: 04/03/2020
Last date that extension may be obtained: (Note: The petition and fee must be received 11/03/2020
by this date, or include a proper certificate of mailing under 37 CFR 1.8 with a date on or
before this date, and extend the time to include this date.)

Length of Extension of Time (response due on or before)	Fee under 37 CFR 1.17(a) effective March 19, 2013		
	Undiscounted	Small Entity	Micro Entity
Two Months (08/03/2020)	\$600	\$300	\$150
Three Months (09/03/2020)	\$1400	\$700	\$350
Four Months (10/03/2020)	\$2200	\$1100	\$550
Five Months (11/03/2020)	\$3000	\$1500	\$750

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/ttran/

CORRECTED ADS FORM

Application Number	16827529
Title of Invention	Stable

Inventor Information

****If no data is shown, no data has been corrected****

	Data of Record	Updated Data
Order Number	1	
Name	Max Spielberg	

Residence Information

Residency	active-us-military	
City		
State		
Country of Residence		

Mailing Address of Inventor

Address 1		<u>269 South Beverly Drive - Suite 510</u>
Address 2		
City,State/Province, Postal Code		<u>Beverly Hills CA 90212</u>
Country		<u>US</u>

	Data of Record	Updated Data
Order Number		<u>2</u>
Name		<u>David Johnson</u>

Residence Information

Residency		<u>us-residency</u>
City		<u>Beverly Hills</u>
State		<u>CA</u>
Country of Residence		<u>US</u>

Mailing Address of Inventor

Address 1		<u>269 South Beverly Drive - Suite 510</u>
Address 2		
City,State/Province, Postal Code		<u>Beverly Hills CA 90212</u>
Country		<u>US</u>

Application Information

	Data of Record	Updated Data
Title of Invention	Stable	<u>Improved Stable Liquid Formulations for Pharmaceuticals and Supplements</u>
Attorney Docket Number	Genexa-012	
Entity Type	Small	

Domestic Benefit/National Stage Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121,365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S. C. 119(e) or 120, and 37 CFR 1.78(a).

Corrected ADS 1.0

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

	Data of Record	Updated Data
Prior Application Status		<u>patented</u>
Application Number		
Continuity Type		<u>CON</u>
Prior Application Number		<u>15912785</u>
Filing Date (YYYY-MM-DD)		<u>2018-03-06</u>
Patent Number		<u>10596266</u>
Issue Date (YYYY-MM-DD)		<u>2020-03-04</u>

	Data of Record	Updated Data
Prior Application Status		<u>expired</u>
Application Number		
Continuity Type		<u>PRO</u>
Prior Application Number		<u>62580648</u>
Filing Date (YYYY-MM-DD)		<u>2017-11-02</u>
Patent Number		
Issue Date (YYYY-MM-DD)		

Foreign Priority Information

****If no data is shown, no data has been corrected****

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

	Data of Record	Updated Data
Application Number		
Country		<u>US</u>
Filing Date		
Access Code		

Applicant Information

****If no data is shown, no data has been corrected****

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

	Data of Record	Updated Data
Applicant Type		
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is		
Name of the Deceased or Legally Incapacitated Inventor		
Applicant is an Organization		
Name		
Organization Name		
Address 1		
Address 2		
City,State/Province,Postal Code		
Country		
Phone Number		
Fax Number		

Email Address

Assignee Information including Non-Applicant Assignee Information

****If no data is shown, no data has been corrected****

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office

	Data of Record	Updated Data
Order		
Applicant is an Organization		
Name		
Organization Name		

Mailing Address

Address 1		
Address 2		
City, State/Province, Postal Code		
Country		
Phone Number		
Fax Number		
Email Address		

Signature

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Corrected ADS 1.0

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Document Description: Application Data Sheet to update/correct info
Doc Code: ADS.CORR

Signature	/David W Barman/	Registration Number	47225
First Name	David	Last Name	Barman

Electronic Patent Application Fee Transmittal				
Application Number:		16827529		
Filing Date:		23-Mar-2020		
Title of Invention:		Stable		
First Named Inventor/Applicant Name:				
Filer:		David Wade Barman		
Attorney Docket Number:		Genexa-012		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
PROCESSING FEE, EXCEPT PROV. APPLS.	2830	1	70	70
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				70

Electronic Acknowledgement Receipt	
EFS ID:	39995657
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Stable
First Named Inventor/Applicant Name:	
Customer Number:	11743
Filer:	David Wade Barman
Filer Authorized By:	
Attorney Docket Number:	Genexa-012
Receipt Date:	14-JUL-2020
Filing Date:	23-MAR-2020
Time Stamp:	14:58:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	\$70
RAM confirmation Number	E20207DE58157791
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet to update/ correct info	CorrectedADS.pdf	79882	no	6
			a0a84455764eb5ee4da41003fad3ac90693 2fe08		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30270	no	2
			c0edf8e34392e55d7586ac45b977af26ba0 0c75		
Warnings:					
Information:					
Total Files Size (in bytes):			110152		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/827,529	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	75		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	330		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	380		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	3	minus 20 = *	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *	x 230 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	785		TOTAL	
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	Minus **	=	x	=	OR	x
	Independent (37 CFR 1.16(h))	Minus ***	=	x	=	OR	x
	Application Size Fee (37 CFR 1.16(s))					OR	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE
<p style="font-size: x-small;">* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p style="font-size: x-small;">** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p style="font-size: x-small;">*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p style="font-size: x-small;">The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.</p>							



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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/827,529	03/23/2020	Max Spielberg	Genexa-012

CONFIRMATION NO. 7548

FORMALITIES LETTER



11743
David W. Barman
17071 West Dixie Highway
Miami, FL 33160

Date Mailed: 04/03/2020

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Complete residence information, either city and state or city and country for **Max Spielberg** has not been provided. Residence information is required, separately from the mailing address, if the inventor lives at a location which is different from where the inventor customarily receives mail. Also, a valid state code or a valid country code must be provided. For lists of valid state and valid country codes, see the Instructions for Application Data Sheet available at <https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>. There is an indication on either the ADS or the inventor's oath or declaration that the mailing address and residence information is not the same for this inventor.

Applicant must provide the residence information on either:

- An inventor's oath or declaration in compliance with 37 CFR 1.63, or
- A properly marked up application data sheet (ADS) in compliance with 37 CFR 1.76.
- A complete mailing address that includes either the city and state or city and country, for each inventor has not been submitted. Applicant must provide the mailing address on either:
 - An inventor's oath or declaration in compliance with 37 CFR 1.63, or
 - A properly marked up application data sheet (ADS) in compliance with 37 CFR 1.76.

Note that an inventor's mailing address is required even if a correspondence address has been submitted.

An inventor's mailing address may not necessarily be the same as the correspondence address for the application and must be separately submitted in the manner set forth above. If the inventor lives at a location which is different from the inventor's mailing address, the inventor's residence (either city and state or city and country) must also be separately submitted in the manner set forth above. For lists of valid state and valid country codes, see the Instructions for Application Data Sheet available at <https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>.

Mailing address information is needed for the following inventor(s): **Max Spielberg**

page 1 of 2

KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/cnguyen/



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
16/827,529	03/23/2020	1629	785	Genexa-012	3	2

CONFIRMATION NO. 7548

FILING RECEIPT



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11743

David W. Barman

17071 West Dixie Highway

Miami, FL 33160

Date Mailed: 04/03/2020

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

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Inventor(s)

Max Spielberg, Residence Not Provided;

Applicant(s)

Max Spielberg, Residence Not Provided;

Power of Attorney: None

Domestic Applications for which benefit is claimed - None.

A proper domestic benefit claim must be provided in an Application Data Sheet in order to constitute a claim for domestic benefit. See 37 CFR 1.76 and 1.78.

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

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KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

If Required, Foreign Filing License Granted: 04/02/2020

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/827,529**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Stable

Preliminary Class

514

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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KINDERFARMS Ex. 1009
KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NON-PROVISIONAL PATENT APPLICATION

5 Title: IMPROVED STABLE LIQUID FORMULATIONS FOR
PHARMACEUTICALS AND SUPPLEMENTS

Inventors: MAX SPIELBERG & DAVID JOHNSON

10

INDEX TO RELATED APPLICATIONS

This application is a continuation of U.S. Non-provisional
Patent Application Serial No. 15/912,785

Filed March 6, 2018 which is a non-provisional of, and

15 claims benefit to U.S. Provisional Patent Application
Serial No. 62/580,648 filed November 2, 2017 the
disclosures of which are incorporated herein by reference
in their entirety.

20

SUMMARY OF THE INVENTION

The present invention relates to novel stabilization of
liquid pharmaceutical and nutritional supplements.

In one embodiment, the present invention is a liquid
5 composition comprising:
a primary component being an Active Pharmaceutical
Ingredient (API), a nutritional supplement, or combinations
thereof:
a base;
10 a preservative blend comprising either, Organic
Cultured Dextrose, Organic Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
Organic Turmeric Root Powder
Organic Fennel Seed Powder
15 Organic Ginger Root, in a ratio of 1:0.8-1.0:0.55-
0.65:0.40-0.54:0.05-0.09:0.05-0.09 or
Organic Cultured Dextrose
Organic Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
20 Organic Echinacea Purpurea Herb (6:1), in a ratio of
1:0.60-0.70:0.55-0.65:0.35-0.44.

In one embodiment, the present invention provides the preservative blend is 2-5% w/w of the composition.

5

In one embodiment, the present invention is a liquid composition consisting of:

a primary component being an Active Pharmaceutical Ingredient (API), a nutritional supplement, or combinations

10 thereof:

a base;

a preservative blend comprising either, Organic Cultured Dextrose, Organic Elderberry (16:1 Fruit Powder) Organic Compliant Citric Acid

15 Organic Turmeric Root Powder

Organic Fennel Seed Powder

Organic Ginger Root, in a ratio of 1:0.8-1.0:0.55-0.65:0.40-0.54:0.05-0.09:0.05-0.09 or

Organic Cultured Dextrose

20 Organic Elderberry (16:1 Fruit Powder)

Organic Compliant Citric Acid

Organic Echinacea Purpurea Herb (6:1), in a ratio of 1:0.60-0.70:0.55-0.65:0.35-0.44.

In one embodiment, the present invention is a method of preparing a liquid composition as described herein comprising the steps of:

- 5 Providing components of a preservative blend comprising either Organic Compliant Citric Acid
Organic Turmeric Root Powder
Organic Fennel Seed Powder
Organic Ginger Root, or
- 10 Organic Cultured Dextrose
Organic Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
Organic Echinacea Purpurea Herb (6:1),
and combining them into an herbal pre-mix, blend into a
- 15 small amount of the base and heat between 180-200 degrees Fahrenheit, to create the pre-mix containing the herbal ingredients;
combining the pre-mix and mix with the remainder of the agave/honey (the majority of the formula), which was heated
- 20 to about 100° F degrees until the pre-mix is homogenous and becomes one product;
cooling the combined mixture to room temperature and introduce flavors once at room temperature;

placing the combined cooled room temperature product
containing flavors (pre-mix and remainder of formula); and

5 mixing to form a uniform composition.

10

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

The present invention relates to novel stabilization of
15 liquid pharmaceutical and nutritional supplements.

Although the examples provided herein are nutritional
supplements, it is contemplated that any Active
Pharmaceutical Ingredient (API) or nutritional supplement
20 ingredient is formulated according to the invention
disclosed herein and will produce a stable composition with
desired shelf life.

In one embodiment, the present invention includes the process of blending an herbal pre-mix with a small amount of the base (in this case, agave or honey) and heating at a high temperature (about 180-200 degrees Fahrenheit), subsequently mixing the pre-mix with the remainder of the formula, which has been heated to be at a lower temperature (about 100° F). By heating the pre-mix and base and the remainder of base separately and at different temperatures, the novel process will reduce the froth and prevent flavor changes. This is the first time such a system has been used.

In one embodiment, the present invention includes using approximately 80-90% solid base (in this case, 84% solid agave or honey depending) with combination of cultured dextrose and citric acid in order to not have to put in a non-organic, synthetic preservative systems. This allows the present invention to have a certified organic base without any synthetic preservative systems. This is the first time this combination of high percentage solid base, citric acid and cultured dextrose has been used.

In formulations practice, it is known that often two or more preservatives are provided. Sometimes they are provided for specific preserving characteristics. However, there are preservative systems that are utilized with various components having beneficial synergistic affects even though the exact mechanism of the beneficial synergistic affects is not clearly understood. This is true in the present formulation whereby a synergistic system has been discovered, demonstrated effective, yet is operating in a mechanism not fully understood.

In the present invention, particular ratios have been discovered whereby a plurality of components in the ratios herein, provide the desired effect.

Initial formulas were exactly the same, except the agave was around 60-70% solid and they did not have cultured dextrose. These formulas did not have an effective preservation system, and failed stability testing.

MANUFACTURE

In one embodiment, the present invention is performed using the following steps:

Providing organic herbal extracts and combining them into an herbal pre-mix, blend into a small amount of the base (here, agave or honey depending) and heat between 180-200
5 degrees Fahrenheit, to create the pre-mix containing the herbal ingredients.

Although the examples demonstrate Agave and Honey as the base, the term "base" as used herein includes components
10 having similar viscosities and characteristics including, but not limited to tapioca syrups, fruit syrups, maple syrups, elderberry syrup, combinations of bases, and the like.

15

As is known, Agave will break down at 320° F and will even begin to change at 210° F, therefore 180-200° F is one ideal temperature range to extract the herbal ingredients into the agave/honey without hurting them or the agave/honey.

20 The present invention contemplates temperature for other types of syrups with similar consistencies at similar temperatures.

Combining the pre-mix and mix with the remainder of the agave/honey (the majority of the formula), which was heated to about 100° F degrees until the pre-mix is homogenous and becomes one product.

5

Cooling the combined mixture to room temperature and introduce flavors once at room temperature.

Placing the combined cooled room temperature product
10 containing flavors (pre-mix and remainder of formula) and mix into a mixer.

It has been discovered that separately handling the pre-mix and remainder of formula separately, prevents flavor
15 changes and froth. This then helps reduce and prevent sheer and flavor changes as the sheer and flavor changes are caused by warming at a high temperature. Heating the herbal pre-mix is necessary to blend the herbal ingredients into the base.

20

SAMPLE FORMULATIONS:

FORMULA 1 - AGAVE COUGH SYRUP

Organic Agave Syrup 4.6 g

Organic Acerola 29mg

(containing 34% naturally

5 occurring Vitamin C)

Proprietary Blend: 27mg

Organic Elderberry Fruit Powder (16:1),

Organic Fennel Extract,

10 Organic Turmeric, Organic Ginger Root.

FORMULA 2 – HONEY COUGH SYRUP

15 Organic Honey 6.3 g

Organic Echinacea 15 mg

Organic Elderberry Fruit Powder (16:1) 25 mg

Organic Acerola 75 mg

(containing 34% naturally occurring Vitamin C)

20

FORMULA 3 – AGAVE TEETHING SYRUP

Organic Agave Syrup 4.6g

Organic Acerola 29 mg

(containing 34% naturally

5 occurring Vitamin C)

Proprietary Blend: 25 mg

Organic Elderberry Fruit Powder (16:1),

Organic Turmeric, Organic Reishi Mushroom.

10

15 Agave Cough Syrup - Percentage Composition

<u>Formulation:</u>	<u>Mg per</u>	<u>Percentage</u>
	<u>serving:</u>	
Organic Agave Syrup	2,894.28	96.4761172%
Organic Acerola (34% Vitamin C)	30.88	1.0294118%
Organic Cultured Dextrose	24.26	0.8085000%
Organic Elderberry (16:1 Fruit Powder)	21.00	0.7000000%
Organic Compliant Citric Acid	14.45	0.4816700%
Organic Cherry Flavor	11.13	0.3709677%
Organic Reishi Mushroom Powder	2.00	0.0666667%
Organic Turmeric Root Powder	2.00	0.0666667%
Total:	3,000.00	100.000000%

5

Honey Cough Syrup - Percentage Composition

<u>Formulation:</u>	<u>Mg per</u>	<u>Percentage</u>
	<u>serving:</u>	
Organic Honey	4,530.88	90.6176871%
Purified Water	285.71	5.7142857%
Organic Acerola (34% Vitamin C)	78.75	1.5750000%
Organic Cultured Dextrose	40.43	0.8085000%
Organic Elderberry (16:1 Fruit Powder)	25.00	0.5000000%
Organic Compliant Citric Acid	24.08	0.4816700%
Organic Echinacea Purpurea Herb (6:1)	15.00	0.3000000%
Organic Compliant Lemon Flavor	0.14	0.0028571%
Total:	5,000.00	100.000000%

5

10

13

Agave Teething Syrup

<u>Formulation:</u>	<u>Mg per</u>	<u>Percentage</u>
<u>serving:</u>		
Organic Agave Syrup	2,892.28	96.4094505%
Organic Acerola (34% Vitamin C)	30.88	1.0294118%
Organic Cultured Dextrose	24.26	0.8085000%
Organic Elderberry (16:1 Fruit Powder)	21.00	0.7000000%
Organic Compliant Citric Acid	14.45	0.4816700%
Organic Cherry Flavor	11.13	0.3709677%
Organic Turmeric Root Powder	2.00	0.0666667%
Organic Fennel Seed Powder	2.00	0.0666667%
Organic Ginger Root	2.00	0.0666667%
Total:	3,000.00	100.000000%

5

10

14

PRESERVATIVE EFFICACY TESTING

USP PRESERVATIVE EFFICACY

5 Agave Cough Syrup

Test Organisms	Inoculum Level (CFU/g)	ATCC Number
<i>Escherichia coli</i>	4.9×10^5	8739
<i>Pseudomonas aeruginosa</i>	6.0×10^5	9027
<i>Staphylococcus aureus</i>	5.0×10^5	6538
<i>Candida albicans</i>	2.6×10^5	10231
<i>Aspergillus (niger) brasiliensis</i>	3.1×10^5	16404

Method

The sample was challenged against the five individual
10 microorganisms listed above following the USP <51>
guidelines. Pure culture challenge yields specific data on
each microorganism employed in the study.

The sample was initially tested for aerobic bacteria,
yeast, and mold following the USP <51> guidelines. This
15 initial screen is imperative to ensure the product does not
contain any microorganisms prior to beginning the
inoculations. No organisms were found in the sample during
the initial screen.

20 Effectiveness Standards

Bacteria: Not less than 1.0 log reduction from the initial

count at 14 days, and no increase from the 14 days' count at 28 days. Yeast and Molds: No increase from the initial calculated count at 14 and 28 days. Upon reinoculation, the same effectiveness standards apply.

5

Test Interval	E. coli	P. aeruginosa	S. aureus	C. Albicans	A. brasiliensis
0 hours	1.8x10 ⁵	2.8x10 ⁴	6.7x10 ⁵	2.0x10 ³	2.2x10 ⁴
1 Week	210	260	190	<10	2.2x10 ³
2 Weeks	<10	<10	<10	<10	30
4 Weeks	<10	<10	<10	<10	<10

All results in the table are reported as CFU/g

10

Study Conclusion The sample has PASSED the test. The actual data collected from the study at each testing interval is listed on the following page.

15

20 USP PRESERVATIVE EFFICACY

Honey Cough Syrup

Test Organisms	Inoculum Level (CFU/g)	ATCC Number
<i>Escherichia coli</i>	4.9 x 10 ⁵	8739
<i>Pseudomonas aeruginosa</i>	6.0 x 10 ⁶	9027
<i>Staphylococcus aureus</i>	5.0 x 10 ⁵	6538
<i>Candida albicans</i>	2.6 x 10 ⁶	10231
<i>Aspergillus (niger) brasiliensis</i>	3.1 x 10 ⁵	16404

Method

The sample was challenged against the five individual microorganisms listed above following the USP <51>

5 guidelines. Pure culture challenge yields specific data on each microorganism employed in the study.

The sample was initially tested for aerobic bacteria, yeast, and mold following the USP <51> guidelines. This

10 initial screen is imperative to ensure the product does not contain any microorganisms prior to beginning the inoculations. No organisms were found in the sample during the initial screen.

15

Effectiveness Standards

Bacteria: Not less than 1.0 log reduction from the initial count at 14 days, and no increase from the 14 days' count at 28 days. Yeast and Molds: No increase from the initial

20 calculated count at 14 and 28 days. Upon reinoculation, the same effectiveness standards apply.

Test Interval	E. coli	P. aeruginosa	S. aureus	C. albicans	A. brasiliensis
0 hours	5.1x10 ⁵	1.3x10 ⁵	9.7x10 ⁵	1.2x10 ⁵	2.4x10 ⁴
1 Week	120	86	5.2x10 ⁴	10	1.9x10 ⁴
2 Weeks	<10	<10	<10	<10	2.1x10 ³
4 Weeks	<10	<10	<10	<10	850

5 All results in the table are reported as CFU/g

Study Conclusion The sample has PASSED the test. The actual data collected from the study at each testing interval is

10 listed on the following page.

USP PRESERVATIVE EFFICACY

Agave Teething Syrup

Test Organisms	Inoculum Level (CFU/g)	ATCC Number
<i>Escherichia coli</i>	4.9 x 10 ⁸	8739
<i>Pseudomonas aeruginosa</i>	6.0 x 10 ⁸	9027
<i>Staphylococcus aureus</i>	5.0 x 10 ⁸	6538
<i>Candida albicans</i>	2.6 x 10 ⁸	10231
<i>Aspergillus (niger) brasiliensis</i>	3.1 x 10 ⁸	16404

15

Method

The sample was challenged against the five individual microorganisms listed above following the USP <51>

20 guidelines. Pure culture challenge yields specific data on

each microorganism employed in the study.

The sample was initially tested for aerobic bacteria, yeast, and mold following the USP <51> guidelines. This initial screen is imperative to ensure the product does not contain any microorganisms prior to beginning the inoculations. No organisms were found in the sample during the initial screen.

Effectiveness Standards

Bacteria: Not less than 1.0 log reduction from the initial count at 14 days, and no increase from the 14 days' count at 28 days. Yeast and Molds: No increase from the initial calculated count at 14 and 28 days. Upon reinoculation, the same effectiveness standards apply.

Test Interval	E. coli	P. aeruginosa	S. aureus	C. albicans	A. brasiliensis
0 hours	1.7x10 ⁵	2.4x10 ⁴	5.6x10 ⁵	1.2x10 ³	2.5x10 ⁴
1 Week	300	190	190	<10	805x10 ³
2 Weeks	<10	<10	<10	<10	40
4 Weeks	<10	<10	<10	<10	<10

5 All results in the table are reported as CFU/g

Study Conclusion The sample has PASSED the test. The actual
data collected from the study at each testing interval is
10 listed on the following page.

The following represents the blend of ingredients
demonstrative of one embodiment of the novel preservative
15 system:

Preservative Blend 1

Organic Cultured Dextrose
20 Organic Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
Organic Turmeric Root Powder

Organic Fennel Seed Powder

Organic Ginger Root

In one embodiment, these are combined in a ratio of 1:0.8-

5 1.0:0.55-0.65:0.40-0.54:0.05-0.09:0.05-0.09.

Preservative Blend 2

10

Organic Cultured Dextrose

Organic Elderberry (16:1 Fruit Powder)

Organic Compliant Citric Acid

Organic Echinacea Purpurea Herb (6:1)

15

In one embodiment, these are combined in a ratio of 1:0.60-

0.70:0.55-0.65:0.35-0.44.

The blend is used at 2-5% w/w of the final formulation. As

20 evidenced by the USP testing disclosed herein, formulations
utilizing this stability system have demonstrated
stability.

While the invention has been described in its preferred form or embodiment with some degree of particularity, it is understood that this description has been given only by way of example and that numerous changes in the details of
5 construction, fabrication, and use, including the combination and arrangement of parts, may be made without departing from the spirit and scope of the invention.

What is claimed:

1. A liquid composition comprising:
a primary component being an Active Pharmaceutical Ingredient (API), a
5 nutritional supplement, or combinations thereof:
a base;
a preservative blend comprising either, Organic Cultured Dextrose, Organic
Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
10 Organic Turmeric Root Powder
Organic Fennel Seed Powder
Organic Ginger Root, in a ratio of 1:0.8-1.0:0.55-0.65:0.40-0.54:0.05-0.09:0.05-0.09
or
Organic Cultured Dextrose
15 Organic Elderberry (16:1 Fruit Powder)
Organic Compliant Citric Acid
Organic Echinacea Purpurea Herb (6:1), in a ratio of 1:0.60-0.70:0.55-0.65:0.35-
0.44.
- 20 2. The composition of claim 1 wherein the preservative blend is 2-5% w/w of
the composition.

3. A method of preparing a liquid composition comprising the steps of:

5 Providing components of a preservative blend comprising either Organic Compliant Citric Acid

Organic Turmeric Root Powder

Organic Fennel Seed Powder

Organic Ginger Root, or

10 Organic Cultured Dextrose

Organic Elderberry (16:1 Fruit Powder)

Organic Compliant Citric Acid

Organic Echinacea Purpurea Herb (6:1),

and combining them into an herbal pre-mix, blend into a small amount of the base

15 and heat between 180-200 degrees Fahrenheit, to create the pre-mix containing the herbal ingredients;

combining the pre-mix and mix with the remainder of the agave/honey (the majority of the formula), which was heated to about 100° F degrees until the pre-

20 mix is homogenous and becomes one product;

cooling the combined mixture to room temperature and introduce flavors once at room temperature;

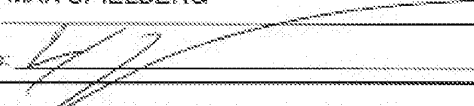
placing the combined cooled room temperature product containing flavors (pre-mix and remainder of formula); and

- 5 mixing to form a uniform composition.

ABSTRACT

A liquid composition comprising: a primary component being an Active
Pharmaceutical Ingredient (API), a nutritional supplement, or combinations thereof:
5 a base; and a preservative blend is provided along with a method of making said
composition.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

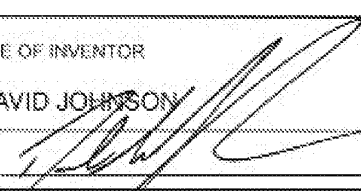
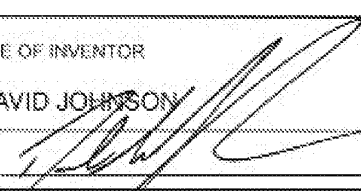
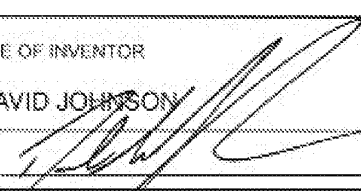
Title of Invention	IMPROVED STABLE LIQUID FORMULATIONS FOR PHARMACEUTICALS AND SUP PLEMETNTS
<p>As the below named inventor, I hereby declare that:</p> <p>This declaration is directed to: ☒ The attached application, or ☐ United States application or PCT international application number _____ filed on _____</p> <p>The above-identified application was made or authorized to be made by me.</p> <p>I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p> <p style="text-align: center;">WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>	
<p>LEGAL NAME OF INVENTOR</p> <p style="text-align: center;">MAX SPIELBERG</p> <p>Inventor: _____ Date (Optional): _____</p> <p>Signature:  _____</p>	
<p><small>Note: An application data sheet (PTO/GB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.</small></p>	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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. 102 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute 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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KINDERFARMS LLC. v. GENEXA INC.
PGR2023-00051

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	IMPROVED STABLE LIQUID FORMULATIONS FOR PHARMACEUTICALS AND SUP PLEMETNTS						
<p>As the below named inventor, I hereby declare that:</p> <p>This declaration is directed to: ☒ The attached application, or ☐ United States application or PCT international application number _____ filed on _____</p> <p>The above-identified application was made or authorized to be made by me.</p> <p>I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p> <p style="text-align: center;">WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <table border="1"><tr><td colspan="2">LEGAL NAME OF INVENTOR</td></tr><tr><td>Inventor: DAVID JOHNSON</td><td>Date (Optional): _____</td></tr><tr><td colspan="2">Signature: </td></tr></table> <p>Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA-01 form for each additional inventor.</p>		LEGAL NAME OF INVENTOR		Inventor: DAVID JOHNSON	Date (Optional): _____	Signature: 	
LEGAL NAME OF INVENTOR							
Inventor: DAVID JOHNSON	Date (Optional): _____						
Signature: 							

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 and 1.14. This collection is estimated to take 1 minute 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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PGR2023-00051

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Improved Stable		
First Named Inventor/Applicant Name:		Max Spielberg		
Filer:		David Wade Barman		
Attorney Docket Number:		Genexa-012		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY FILING FEE (ELECTRONIC FILING)	4011	1	75	75
UTILITY SEARCH FEE	2111	1	330	330
UTILITY EXAMINATION FEE	2311	1	380	380
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				785

Electronic Acknowledgement Receipt	
EFS ID:	38945922
Application Number:	16827529
International Application Number:	
Confirmation Number:	7548
Title of Invention:	Improved Stable
First Named Inventor/Applicant Name:	Max Spielberg
Customer Number:	11743
Filer:	David Wade Barman
Filer Authorized By:	
Attorney Docket Number:	Genexa-012
Receipt Date:	23-MAR-2020
Filing Date:	
Time Stamp:	19:46:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	\$ 785
RAM confirmation Number	E20203MJ46537347
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		GENEXA-012.pdf	323922	yes	26
			3885845fa36a361f42929023673c735a6ad67d2		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	22	
	Claims		23	25	
	Abstract		26	26	
Warnings:					
Information:					
2	Oath or Declaration filed	Genexa-012-DEC-SIGNED.pdf	373265	no	2
			3822a9ccfd4d3d35a5fb0468764f1bab483ab18f0		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	35093	no	2
			fba59eaa6194e92b532801a6cd9fba7c6c2dc0f5		
Warnings:					
Information:					
Total Files Size (in bytes):			732280		

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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