Cary S. Kappel  
Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, NY 10018

In re Application of  
REIN, et al.  
U.S. Application No.: 09/980,727  
PCT No.: PCT/EP00/03612  
Int. Filing Date: 20 April 2000  
Priority Date: 22 April 1999  
Attorney's Docket No.: 228.1010  
For: METHOD FOR PRODUCING A WATER-INSOLUBLE AMORPHOUS OR PARTIALLY AMORPHOUS CONTROLLED RELEASE MATRIX

This communication is in response to applicant's "Communication re Resubmission of Documents Returned to Sender" filed 08 July 2002 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 April 2000, applicant filed international application PCT/EP00/03612, which claimed priority of an earlier application filed 22 April 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 27 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 October 2001.

On 17 October 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; a copy of the International Preliminary Examination Report and a First Preliminary Amendment. An executed oath or declaration was not filed.

On 29 January 2002, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was also advised of the need to provide payment of the $130.00 surcharge for
Application No.: 09/980,727

providing an oath or declaration later than thirty months from the priority date. Applicant was
given two months to respond and advised that this time period could be extended with a proper
petition and payment of fees.

On 08 July 2002, applicant filed the papers considered herein, including: a copy of the
Form PCT/DO/EO/905; a response to the Form PCT/DO/EO/905; a copy of an executed
Declaration/Power of Attorney; a check in the amount of $130.00; a petition for a two-month
extension of time and a check in the amount of $400.00 as payment of the two-month extension
of time fee.

COMMUNICATION

Applicant’s current communication indicates that the papers were originally mailed 17
May 2002 and subsequently returned to counsel’s law firm on 17 June 2002. Applicant urges that
the papers be accepted as having been filed 17 May 2002.

An examination of the envelope used in the original mailing shows a United States Postal
Service (USPS) stamp of “May 17, 02” which corresponds to applicant’s certificate of mailing on
the papers. However, the address listed on the mailing label is “Assistant Commissioner for
Patents, Washington, DC 20232.” The correct zip code for the Assistant Commissioner for
Patents, Box PCT is 20231. Pursuant to 37 CFR 1.8 (1)(i)(A), applicant is not afforded the
benefit of a certificate of mailing as the address is incorrect. An examination of USPS records
shows that zip code 20232 is the mailing code for the “Resolution Trust Oversight Board” which,
as it is an entity created by Congress, may explain why the mail was irradiated prior to
examination of the mailing label.

As applicant has authorized the charging of fees to Deposit Account No.: 50-0552, the
petition for a two-month extension of time will be considered a petition for a four-month
extension of time with the difference charged to Deposit Account No.: 50-0552. With the
additional fee, the response is considered timely filed. Further, with the filing of the executed
Declaration/Power of Attorney, all of the requirements of 35 U.S.C. 371 for entry into the
national stage in the United States have been satisfied.

CONCLUSION

As authorized, the $1040.00 difference in extension fees from two months to four months
will be charged to Deposit Account No.: 50-0552.

The application has an international filing date of 20 April 2000 under 35 U.S.C. 363 and
a date of 08 July 2002 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office
Application No.: 09/980,727

( ) for treatment in accordance with this decision, that is, for mailing of a filing receipt and a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **08 July 2002** under 35 U.S.C. 371(c).

Richard Cole  
Legal Examiner  
PCT Legal Office

Derek A. Putonen  
Petitions Attorney  
PCT Legal Office  
Tel: (703) 305-0130  
Fax: (703) 308-6459