



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Michael G. Gilman
424 Lantana Park
Lexington KY 40515

MAILED

OCT 26 2010

OFFICE OF PETITIONS

In re Application of :
Borsa et al. :
Application No. 12/455,355 : DECISION ON FOURTH RENEWED
Filing Date: June 1, 2009 : PETITION UNDER
Attorney Docket Number: 4624- : 37 C.F.R. § 1.183
005 :
Title: PROCESS FOR THE :
PREPARATION OF ESTERS OF :
DIACEREIN WITH HYALURONIC ACID :
AND PHARMACEUTICAL COMPOSITIONS :
CONTAINING SUCH ESTERS :

This is a decision on the fourth renewed petition filed on August 2, 2010, pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule 1.6(d)(3), which prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"¹ via facsimile transmission.

An original petition was filed on July 24, 2009 along with the petition fee, and was dismissed via the mailing of a decision on September 1, 2009.

A renewed petition was filed on September 10, 2009, and was dismissed via the mailing of a decision on September 28, 2009.

A second renewed petition was filed on November 9, 2009, and was denied via the mailing of a final agency action on March 24, 2010.

¹ See also Rule 1.8(a)(2)(i)(A).

A third renewed petition was filed on June 17, 2010, and was dismissed via the mailing of a decision on July 30, 2010, which indicated that the submission could not be entered as it had not been executed.

In a final agency action, within the meaning of 35 U.S.C. § 704, mailed March 24, 2010, the second renewed petition pursuant to 37 C.F.R. § 1.183 which sought the waiver of Rule 1.6(d)(3) was **DENIED**. It was concluded, for reasons set forth in the decision, that Rule 1.6(d)(3) will not be waived, and this application cannot be accorded a filing date of May 5, 2009 (the date on which this application was submitted to the Office via facsimile transmission).

This decision concludes the consideration of this matter by the Office.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.²



Anthony Knight
Director
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).