

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Purdue Research Foundation :
Request for Patent Term Extension : **ORDER GRANTING**
U.S. Patent No. 4,919,140 : **INTERIM EXTENSION**

On September 11, 2009, the patent owner, Purdue Research Foundation, timely filed a second application under 35 U.S.C. § 156(d)(5) for an interim extension of the term of U.S. Patent No. 4,919,140. The patent claims the medical device known as Andara™ OFS™ System and a method of using the Andara™ OFS™ System. The application indicates that a Humanitarian Device Exemption, HDE 070002, for the medical device Andara™ OFS™ System has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. § 156, and that the patent should be extended for an additional one year as required by 35 U.S.C. § 156(d)(5)(B). Because it is apparent that the regulatory review period will continue beyond the extended expiration date of the patent (October 14, 2009), interim extension of the patent term under 35 U.S.C. § 156(d)(5) is appropriate.

A second interim extension under 35 U.S.C. § 156(d)(5) of the term of U.S. Patent No. 4,919,140 is granted for a period of one year from the expiration date of the patent, i.e., until October 14, 2010.

10/09/09
Date



David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office