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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/601,882	06/01/2010	Melpo Christofidou-Solomidou	P-9208-US	1832
49443	7590	01/06/2012	EXAMINER	
Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036			CLARK, AMY LYNN	
			ART UNIT	PAPER NUMBER
			1655	
			NOTIFICATION DATE	DELIVERY MODE
			01/06/2012	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):

USPTO@pczlaw.com
Arch-USPTO@pczlaw.com

Office Action Summary

Application No. 12/601,882	Applicant(s) CHRISTOFIDOU-SOLOMIDOU, MELPO	
Examiner Amy L. Clark	Art Unit 1655	

-- 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 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 31 October 2011.
- 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) 1-15, 17-20, 22 and 24-26 is/are pending in the application.
5a) Of the above claim(s) 8-15, 17-20, 22 and 24-26 is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-7 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 25 November 2009 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).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
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) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/25/2009;12/18/2009; 10/31/2011.

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-7 in the reply filed on 10/31/2011 is acknowledged.

Claims 8-15, 17-20, 22 and 24-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/31/2011.

Claims 1-7 are currently being examined on the merits.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/25/2009, 12/18/2009 and 10/31/2011 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Any page with a line through it has not been considered because no information was provided on the page and it was blank.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Laooq Katan (U).

Laooq Katan teaches a method of administering a composition for treating bronchial asthma (which reads on acute lung inflammation and acute lung injury) comprising whole seed of *Linum usitatissimum* (linseed, which is synonymous with flaxseed and reads on a whole grain flaxseed) in an amount of 480 grams that has been combined with honey and is soaked in water overnight, boiled to remove the water, the mixture is strained, adding sugar and boiling the resulting solution to provide a desired consistency to provide an oral formulation (which also reads on bioactive ingredients and would inherently contain flaxseed lignin complex and seciosalariciresinol diglucoside, since these bioactive ingredients can be extracted from flaxseed with water) and is administered in an amount of 12-24 grams (which reads on a therapeutically effective amount) with an adjuvant of water.

Although Laooq Katan does not expressly teach the mechanisms by which the flaxseed or its bioactive ingredients function, the claimed functional properties are inherent to the preparation taught by Laooq Katan because the ingredients, the amounts of the ingredients, and the route of administration for the delivery of the ingredients taught by Laooq Katan are one and the same as disclosed in the instantly claimed invention of Applicant. Thus, mechanisms by which the flaxseed or its bioactive ingredients function are inherent to the composition taught by Laooq Katan.

Therefore, the reference anticipates the instantly claimed subject matter.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Prasad (V).

Prasad teaches a method of administering flax lignan complex, wherein the lignan complex contains SDG, to rabbits (which reads on a subject) in an amount of 40 mg/kg body weight (which reads on a therapeutically effective amount) in addition to their regular diet. Prasad further teaches that the flax lignin complex is an effective antioxidant.

The method of using the referenced composition is not expressly taught as a method of reducing acute lung inflammation, oxidative lung tissue injury or chronic lung fibrosis. However, the instantly

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claimed process is a one-step process of orally administering flax lignan complex to a subject. Thus, the functional effects claimed by Applicant and their mechanisms are inherent to method taught by Prasad.

Therefore, the reference anticipates the instantly claimed subject matter.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy L. Clark whose telephone number is (571)272-1310. The examiner can normally be reached on Monday to Friday 7 am to 3:30 pm.

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 <http://pair-direct.uspto.gov>. 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.

/Amy L Clark/
Primary Examiner, Art Unit 1655

Notice of References Cited	Application/Control No. 12/601,882	Applicant(s)/Patent Under Reexamination CHRISTOFIDOU-SOLOMIDOU, M	
	Examiner Amy L. Clark	Art Unit 1655	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-		
	B	US-		
	C	US-		
	D	US-		
	E	US-		
	F	US-		
	G	US-		
	H	US-		
	I	US-		
	J	US-		
	K	US-		
	L	US-		
	M	US-		

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U	Mohammad Kabiruddin. "Laoq Katan" from Bayaaz-e-Kabir, Vol. II (Compiled), Daftar al-Maseeh". Karol Bagh, New Delhi, 1938 AD, p. 149.			
	V	Prasad, Kailash. "Hypocholesterolemic and antiatherosclerotic effect of flax lignan complex isolated from flaxseed". Atherosclerosis 179 (2005) 269-275.			
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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BIB DATA SHEET

CONFIRMATION NO. 1832

SERIAL NUMBER 12/601,882	FILING or 371(c) DATE 06/01/2010 RULE	CLASS 424	GROUP ART UNIT 1655	ATTORNEY DOCKET NO. P-9208-US	
APPLICANTS Melpo Christofidou-Solomidou, Eagleville, PA; ** CONTINUING DATA ***** This application is a 371 of PCT/US08/06694 05/27/2008 which claims benefit of 60/924,678 05/25/2007 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 06/13/2010					
Foreign Priority claimed <input type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged _____ Examiner's Signature	<input type="checkbox"/> Met after Allowance _____ Initials	STATE OR COUNTRY PA	SHEETS DRAWINGS 30	TOTAL CLAIMS 23	INDEPENDENT CLAIMS 5
ADDRESS Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036 UNITED STATES					
TITLE FLAXSEED LIGNAN COMPLEX, METHODS OF USING AMD COMPOSITIONS THEREOF					
FILING FEE RECEIVED 688	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known			
		Application Number	12/601,882		
		Filing Date	June 1, 2010		
		First Named Inventor	CHRISTOFIDOU-SOLOMIDOU, Melpo		
		Art Unit			
		Examiner Name			
Sheet	1	of	2	Attorney Docket Number	P-9208-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				
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Examiner Signature		Date Considered	
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		Application Number	12/601,882		
		Filing Date	June 1, 2010		
		First Named Inventor	CHRISTOFIDOU-SOLOMIDOU, Melpo		
(use as many sheets as necessary)		Art Unit			
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	P-9208-US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/A.C./	1	Govt of India; Ayurvedic Formulary of India - Part H, Govt of India, Ministry of Health & Family Welfare, Dcptt. O.I.S.M. &H., New Delhi, Edn. 1st [This book contains back references from 1000 B.C.to 20th century] P.69 . (2000).	<input checked="" type="checkbox"/>
/A.C./	2	Ziya Al- Din Abdullah Ibn Al- Baitar; AMAam'e-ii-Mufradaat-al-Advia-w ai-Aghzia, Vol. I (3th century AD), Matba Amra, Cairo, Egypt, Page 90, 1874 AD.	<input checked="" type="checkbox"/>
/A.C./	3	Mohammad Azam Khan; Muheet-e-Azam Vol. IV (Part I) {19th cntury AD}, Matba Nizami, Kanpur, Page 35, 1899 AD.	<input checked="" type="checkbox"/>
/A.C./	4	Ali Ibn-e-Abbaas Majoosi; Kaamil-al-Sena'ah, Part II (10 th century AD), Central Council for Research in Unani Medicine, 61-65 Institutional Area, Janak Puri, New Delhi-58, 2005 AD, p. 54	<input checked="" type="checkbox"/>
/A.C./	5	Mohammad Akbar Arzani; Qaraabaadeen Qaadri (17 th century AD), Ahmade Publication, Delhi, 1968 AD, p. 131	<input checked="" type="checkbox"/>
/A.C./	6	Abu Bakr Mohammad.Bin Zakariyya Al-Razi; Kitaab-al-Haawi-fil-Tibb, Vol.IV (9 th century AD), Dayerah-al-Ma'aarif Usmania, Hyderabad, 1978 AD, p. 90	<input checked="" type="checkbox"/>
/A.C./	7	Abu Bakr Mohammad.Bin Zakariyya Al-Razi; Kitaab-al-Haawi-fil-Tibb, Vol.IV (9 th century AD), Dayerah-al-Ma'aarif Usmania, Hyderabad, 1978 AD, p. 198	<input checked="" type="checkbox"/>
/A.C./	8	Abu Ali Ibn-e-Sina; Al-Qaanoon-fil-Tibb, Vol. V (11 th century AD), Publication Department, Jamia Hamdard, New Delhi-62, 1996 AD, p. 199	<input checked="" type="checkbox"/>
/A.C./	9	Abu Bakr Mohammad.Bin Zakariyya Al-Razi; Kitaab-al-Haawi-fil-Tibb, Vol.IV (9 th century AD), Dayerah-al-Ma'aarif Usmania, Hyderabad, 1978 AD, p. 25-147	<input checked="" type="checkbox"/>
/A.C./	10	Abu Bakr Mohammad.Bin Zakariyya Al-Razi; Kitaab-al-Haawi-fil-Tibb, Vol.IV (9 th century AD), Dayerah-al-Ma'aarif Usmania, Hyderabad, 1978 AD, p. 25-26	<input checked="" type="checkbox"/>
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Examiner Signature	/Amy Clark/	Date Considered	12/30/2011
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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		Application Number		
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		First Named Inventor	CHRISTOFIDOU-SOLOMIDOU, Melpo	
<i>(use as many sheets as necessary)</i>		Art Unit		
		Examiner Name		
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/A.C./		Kinniry, P. et al. Dietary flaxseed supplementation ameliorates inflammation and oxidative tissue damage in experimental models of acute lung injury in mice. J. Nutrition, 2006, Vol 136, No. 6. pages 1545, 1546, 1548, 1549	<input type="checkbox"/>
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Examiner Signature	/Amy Clark/	Date Considered	12/30/2011
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Search Notes 	Application/Control No. 12601882	Applicant(s)/Patent Under Reexamination CHRISTOFIDOU-SOLOMIDOU, MELPO
	Examiner AMY L CLARK	Art Unit 1655

SEARCHED			
Class	Subclass	Date	Examiner
NONE	NONE		

SEARCH NOTES		
Search Notes	Date	Examiner
EAST-See Search Notes	12/30/2011	ALC
Google search for flaxseed and its synonyms, flaxseed lignan complex, seciosolariciresinol diglucoside, enterodirole and enterolactone	12/30/2011	ALC
TKDL Search for Linum usitatissimum AND asthma OR lung	12/30/2011	ALC
Inventor's Name Searched in PALM	12/30/2011	ALC
IDS search performed	12/30/2011	ALC

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
NONE	NONE		

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S2	1747	(flax or Flaxseed or linseed or "Linum usitatissimum") and lung	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 18:53
S3	849	(flax or Flaxseed or linseed or "Linum usitatissimum") and lung and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 18:56
S4	1155	(flax or Flaxseed or linseed or "Linum usitatissimum") and (asthma or lung or cystic) and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 18:56
S5	553	(flax or Flaxseed or linseed or "Linum usitatissimum") and (asthma or cystic) and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 18:57
S6	247	(flax or Flaxseed or linseed or "Linum usitatissimum") and lignan and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 18:58
S7	187	("flax seed" or Flaxseed or linseed or "Linum usitatissimum") and lignan and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 21:59
S8	18820	("flax seed" or Flaxseed or linseed or "Linum usitatissimum") and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 21:59
S9	438	("flax seed" or Flaxseed or linseed or "Linum usitatissimum") and (asthma or cystic) and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 21:59
S10	110	("flax seed" or Flaxseed or linseed or "Linum usitatissimum")same(lignan) and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 22:00
S11	352	lignan and (asthma or lung or cystic) and @pd<"20070525"	US-PGPUB; USPAT; EPO; JPO	AND	ON	2011/12/29 22:02

12/30/2011 5:19:10 PM

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(use as many sheets as necessary)		Art Unit			
		Examiner Name			
Sheet	1	of	1	Attorney Docket Number	P-9208-US

NON PATENT LITERATURE DOCUMENTS			
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/A.C./		J.C. Lee, F. Bhora, S. Chatterjee, C. Solomides, [^] E. Arguiri, G. Cheng, [^] and M. Christofidou-Solomidou: Dietary flaxseed enhances antioxidant defenses and is protective in a mouse model of lung ischemia-reperfusion injury. /Am J Physiol Lung Cell Mol Physiol. /294(2):L255-65, 2008.	<input type="checkbox"/>
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