28. A composition comprising:

a tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline in an amount effective to provide a therapeutic benefit to a patient to whom the composition is administered;

a solubility enhancing component in an amount effective to increase the solubility of the tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline; and

an aqueous liquid carrier component.

29. The composition of claim 28 wherein the solubility enhancing component comprises a carboxymethylcellulose.

30. The composition of claim 28 which is ophthalmically acceptable.

31. A complex comprising monomer units derived from one or more quinoxaline components.

32. The complex of claim 31 wherein the quinoxaline component is selected from the group consisting of a quinoxaline, a (2-imidozolin-2-ylamino) quinoxaline, a 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, a tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, derivatives thereof and mixtures thereof.

33. The complex of claim 31 wherein the quinoxaline component is a tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline.

34. An oligomer comprising monomer units derived from a quinoxaline component.

35. The oligomer of claim 34 wherein the quinoxaline component is selected from the group consisting of a quinoxaline, a (2-imidozolin-2-ylamino) quinoxaline, a 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, a tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, derivatives thereof and mixtures thereof.

36. The oligomer of claim 34 wherein the quinoxaline component is a tartrate of 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline.

37. The oligomer of claim 34 which is a dimer.

38. The oligomer of claim 35 which is a dimer.

39. The oligomer of claim 36 which is a dimer.

Sub a2

40. A composition comprising:

an alpha-2-adrenergic agonist component in an amount effective to provide a therapeutic benefit to a patient to whom the composition is administered;

an oxy-chloro component in an effective amount to at least aid in preserving the composition; and

a liquid carrier component,

wherein the composition is substantially free of cyclodextrins.

41. The composition of claim 40 wherein the alpha-2-adrenergic agonist component is selected from the group consisting of imino-imidazolines, imidazolines, imidazoles, azepines, thiazines, oxazolines, guanidines, catecholamines, derivatives thereof and mixtures thereof.

42. The composition of claim 40 wherein the

therapeutically active component includes a quinoxaline component.

43. The composition of claim 42 wherein the quinoxaline component is selected from the group consisting of quinoxaline, derivatives thereof, and mixtures thereof.

44. The composition of claim 40 which further includes a solubility enhancing component in an amount effective to increase the solubility of the alpha-2-adrenergic agonist component in the composition relative to the solubility of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.

45. The composition of claim 44 wherein the solubility enhancing component is effective to increase the solubility in a biological environment of the alpha-2-adrenergic agonist component relative to the solubility in a biological environment of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.

46. The composition of claim 44 wherein the solubility enhancing component comprises a polyanionic component.

DECLARATION FOR PATENT APPLICATION

D-2892

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.
I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS the specification of which

(check one) [X] is attached hereto
[ ] was filed on
as US Application Serial Number or PCT International Application Number
and was amended on ___ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.
I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. NONE

Prior Foreign Application(s)			Priority Not Claimed
(Number)	(Country)	(Day/Month/Year Filed)	[ ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/218,200	July 14, 2000
(Application Number)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designation the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application. NONE

(Application Number)	(Filing Date)	(Status -patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Martin A. Voet, Reg. No. 25,208, Robert Baran, Reg. No. 25,806, Carlos A. Fisher, Reg. No. 36,510, Stephen Donovan, Reg. No. 33,433 and Frank J. Uxa, Reg. No. 25,612**

10299306 .111902

Address all telephone calls to Frank J. Uxa - Telephone: 949-450-1750
Address all correspondence to Frank J. Uxa
4 Venture, Suite 300
Irvine, CA 92618

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) OREST OLEJNIK

Inventor's signature [signature] Date 7/9/01
Residence Coto de Coza, CA Citizenship U-SA.
Post Office Address 5 Addington Place
Coto de Coza, CA 92679

Full name of second inventor (given name, family name) EDWARD D.S. KERSLAKE

Inventor's signature [signature] Date 7/3/2001
Residence Charleston, MA Citizenship ~~U.S.A.~~ U.K
Post Office Address 30 Elm Street, #1
Charleston, MA 02129

26 MOUNT VERNON
CHARLESTOWN
MA, ~~20~~ 02129

RECEIVED
OCT 03 2001
LEGAL/PATENTS

D-2892

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 26, 2001

PTAS

101787037A

ALLERGAN, INC.
FRANK J. UXA
PO BOX 19534
2525 DUPONT DRIVE
IRVINE, CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/10/2001

REEL/FRAME: 011994/0783
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
OLEJNIK, OREST

DOC DATE: 07/09/2001

ASSIGNOR:
KERSLAKE, EDWARD D.S.

DOC DATE: 07/03/2001

ASSIGNEE:
ALLERGAN SALES, INC.
PO BOX 19534
2525 DUPONT DRIVE
IRVINE, CALIFORNIA 92612

SERIAL NUMBER: 09904018
PATENT NUMBER:

FILING DATE: 07/10/2001
ISSUE DATE:

JACQUELINE MOORE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1595
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)

07-25-2001

101787037

SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
OREST OLEJNIK
EDWARD D.S. KERSLAKE

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

07/10/01

3. Nature of conveyance:

☒ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Other: _____

Execution Date: JULY 3RD AND 9TH, 2001

2. Name and address of receiving party(ies)

Name: ALLERGAN SALES, INC.

Internal Address: PO BOX 19534

Street Address: 2525 DUPONT DRIVE
IRVINE, CA 92612

Additional name(s) & address(es) attached? ☐ Yes ☒ No

j1046 U.S. PTO
09/904018
07/10/01

4. Application number(s) or patent number(s): 09/904018

If this document is being filed together with a new application, the execution date of the application is: JULY 3 & 9, 2001

A. Patent Application No.(s)

B. Patent No. (s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: ALLERGAN, INC.
Internal Address: PO BOX 19534
Street Address: 2525 DUPONT DRIVE
IRVINE, CA 92612

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....$ 40

☐ Enclosed

X Authorized to be charged to deposit account

8. Deposit account number: 01-0885

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

FRANK J. UXA
Name of Person Signing

Signature

July 10, 2001
Date

Total number of pages including cover sheet, attachments and document: 3

07/24/2001 LMUELLER 00000130 010885
FC:581 40.00 CH

099040

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box assignments
Washington, D.C. 20231

ASSIGNMENT

WHEREAS we, Orest Olejnik of ORANGE COUNTY, CALIFORNIA and Edward D.S. Kerslake of SUFFOLK COUNTY, MASSACHUSETTS (hereinafter referred to as ASSIGNOR), have invented and own a certain invention entitled: COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS for which I have executed a provisional application, and non-provisional application claiming priority thereto, for Letters Patent of the United States, said provisional patent application having been filed July 14, 2000 and bearing Serial No. 60/218,200 and said non-provisional application for which application for Letters Patent of the United States has been executed on even date herewith.

WHEREAS: Allergan Sales, Inc., having its principal place of business at 2525 Dupont Drive, Irvine, CA 92612 (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE TO ASSIGNOR of the sum of One Dollar ($1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, divisional, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalent thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

7/9, 2001.

OREST OLEJNIK

State of CALIFORNIA)
) ss:
County of ORANGE)

On JULY 9, 2001 before me, MARY LOU MCNOWN
personally appeared OREST OLEJNIK
~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity~~(ies)~~, and that by ~~his/her/their~~ signature(s) on the instrument the person, or the entity upon behalf of which the person(s) ~~acted~~, executed the instrument.

WITNESS my hand and official seal.

MARY LOU MCNOWN
Commission # 1229524
Notary Public - California
Orange County
My Comm. Expires Aug 16, 2003

Mary Lou McNown
Notary Public

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

7/3, 2001.

EDWARD D.S. KERSLAKE

State of MASSACHUSETTS)
) ss:
County of Suffolk)

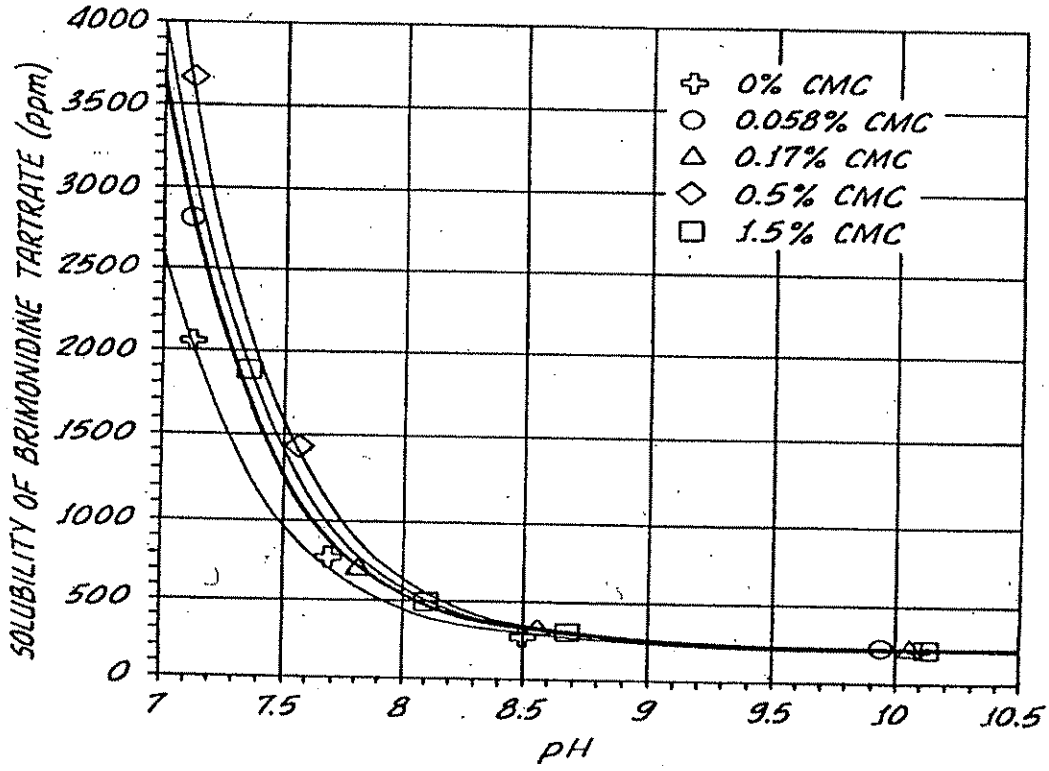
On July 3, 2001 before me, Maureen Vibert, Notary Public
personally appeared Edward D.S. Kerslake
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that (he)/she/they executed the same in (his)/her/their authorized capacity(ies), and that by (his)/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Maureen R Vibert
Notary Public
My Commission Expires: 11/6/2006

PRINT OF DRAWINGS
AS ORIGINALLY FILED

1029956 .111902



APPLICATION DATA SHEET

Inventor Information

Inventor One Given Name::	Orest
Family Name::	Olejnik
Postal Address Line One::	5 Addington Place
Postal Address Line Two::	
City::	Coto de Coza
State or Province::	CA
Postal or Zip Code::	92679
Citizenship Country::	USA

Inventor Two Given Name::	Edward D.S.
Family Name::	Kerslake
Postal Address Line One::	26 Mount Vernon
Postal Address Line Two::	
City::	Charlestown
State or Province::	MA
Postal or Zip Code::	02129
Citizenship Country::	UK

Correspondence Information

USPTO Customer No.::	33197
Name Line One::	Frank J. Uxa
Name Line Two::	Stout, Uxa, Buyan & Mullins, LLP
Address Line One::	Suite 300
Address Line Two::	4 Venture
City::	Irvine
State or Province::	CA
Postal or Zip Code::	92618
Telephone::	949-450-1750
Fax::	949-450-1764
Electronic Mail::	fjuxa@patlawyers.com

10299386 .111902

Application Information

Title Line One::	Compositions Containing Alpha-2-Adrenergic
Title Line Two::	Agonist Components
Total Drawing Sheets::	1
Formal Drawings?::	Yes
Application Type::	Utility

Representative Information

Registration Number One::	Martin A. Voet.....	25,208
Registration Number Two::	Robert J. Baran.....	25,806
Registration Number Three::	Carlos A. Fisher.....	36,510
Registration Number Four::	Stephen Donovan.....	33,433
Registration Number Five::	Frank J. Uxa, Jr.....	25,612

Continuity Information

This application is a::	Divisional
>Application One::	09/904,018
Filing Date::	July 10, 2001

Assignment Information

Assignee Name::	Allergan Sales, Inc.
Postal Address Line One::	2525 Dupont Drive
Postal Address Line Two::	
City::	Irvine
State or Province::	CA
Postal or Zip Code::	92612

11-20-2002 9:11 AM

S(S 10/97)

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No
D-2892DIV

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS

and invented by:

OLEJNIK ET AL

If a CONTINUATION APPLICATION, *check appropriate box an supply the requisite information:*
[ ]Continuation [X]Divisional [ ]Continuation-in-part (CIP) of prior application No.: **09/904,018, filed July 10, 2001, application claims the benefit of U.S. Provisional Application Serial No. 60/218,200 filed July 14, 2002.**

Enclosed are **Application Elements:**

[x] Filing Fee
[x] Specification having 40 page(s) and including the following:
- [x] Title of the Invention
- [X] Cross References to Related Applications *(if applicable)*
- [x] Background of the Invention
- [x] Brief Summary of the Invention
- [x] Description of the Drawings
- [x] Detailed Description
- [x] Claim(s) as Classified Below
- [x] Abstract of the Disclosure

[x] 1 Sheets of Drawings(s) (37 CFR 113) [X] Formal [ ] Informal
[x] Oath or Declaration [x] Executed [ ] Unexecuted
[X] Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
[x] Power of Attorney [x] Executed [ ] Unexecuted
[X] Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
[X] Incorporation By Reference -- The entire disclosure of the prior application from which a copy of the oath or declaration is supplied under the above entry, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
[ ] Computer Program in Microfiche *(Appendix)*

Accompanying Application Parts

[x] Assignment Papers (cover sheets & documents(s))
[X] The prior application is assigned of record to Allergan Sales, Inc.
[X] Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
[ ] 37 CFR 3.73(B) Statement *(when there is an assignee)*
[ ] English Translation Document *(if applicable)*

33197
PATENT TRADEMARK OFFICE

10299386 .111902

[X] Information Disclosure State /PTO-1449 [ ] Copies of _ ID. ed Reference(s)
[X] Preliminary Amendment
[X] Acknowledgment postcard
[ ] Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
[x] Certificate of Mailing by Express Mail
[ ] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

Fee Calculation and Transmittal

* *The filing fee is calculated on the basis of the claims existing in the prior application as amended by the accompanying preliminary amendment noted above.*

CLAIMS AS FILED					
For	**#Filed**	**#Allowed**	**#Extra**	**Rate**	**Fee**
Total Claims	7	- 20 =	0	X $18.00	$.00
Independent Claims	1	- 3 =	0	X $84.00	$.00
Multiple Dependent Claims	*(check if applicable)* [ ]				$ 0.00
				BASIC FEE	$740.00
OTHER FEE *(specify purpose) ASSIGNMENT RECORDATION FEE*					$.00
(Applicant has small entity status under 37 CFR 1.9 and 1.27)				**SMALL ENTITY STATUS**	---
				TOTAL FILING FEE	$740.00

[ ] A check in the amount of $ __ to cover the filing fee and the assignment fee is enclosed.
[x] The Commissioner is hereby authorized to charge and/or credit Deposit Account Number **01-0885** as described below.
  [x] Charge the amount of **$740.00** as filing fee and assignment fee.
  [x] Credit any overpayment.
  [x] Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Respectfully Submitted,

Frank J. Uxa
Attorney for Applicants
Registration Number: 25,612

Stout, Uxa, Buyan & Mullins, LLP
4 VENTURE, SUITE 300, IRVINE, CA 92618
phone (949) 450-1750; *fax* (949) 450-1764

jc973 U.S. PTO
10/299386
11/19/02

D-2892DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of:
OLEJNIK ET AL

Serial No. N/A

Dated: Submitted Herewith

For: COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS

Group Art Unit: N/A
(Prior: 1615)

Examiner: N/A
(Prior: Bennett, R.)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicant wishes to call to the attention of the Examiner the documents cited on the accompanying Form PTO-1449. No concession is made that these documents are prior art, and applicant expressly reserves the right to antedate the documents as may be appropriate. Applicant requests that each of these documents be made of record in the above-identified application.

Each of these documents were cited in related (parent) application Serial No. 09/904,018 filed July 10, 2001. Therefore, no copies of these documents are submitted herewith.

Respectfully submitted,

Frank J. Uxa
Attorney for Applicant
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764

FJUxa/ac

Sheet 1 of 2

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION
(Use several sheets if necessary)

DOCKET NO: D-2892DIV | APPLN. NO.: N/A
APPLICANT: Olejnik et al.
FILING DATE: Herewith | GROUP ART: N/A

U.S. PTO 10/299386 11/19/02

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	RULING DATE
RB	3 8 9 0 3 1 9	06/17/75	Danielwicz et al.			
	4 5 3 0 9 2 0	07/23/85	Nestor et al.			
	4 8 0 6 5 5 6	02/21/89	Portoghese			
	5 0 2 1 4 1 6	06/04/91	Gluchowski			
	5 2 0 2 1 2 8	04/13/93	Morelia et al.			
	5 3 5 2 7 9 6	10/04/94	Hoeger et al.			
	5 4 5 9 1 3 3	10/17/95	Neufeld			
	5 7 0 3 0 7 7	12/30/97	Burke et al.			
	5 7 2 6 8 8 7	03/10/98	Martin et al.			
	5 8 1 4 6 3 8	09/29/98	Lee et al.			
	5 8 3 4 5 0 2	11/10/98	Cheng et al.			
RB	5 9 9 4 1 1 0	11/30/99	Mosbach et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
RB	2 0 4 8 3 1 5	02/09/92	Canada				
	0 6 0 9 9 6 1	08/10/94	European				
	94 / 1 6 6 8 5	08/04/94	~~International~~ WIPO				
	98 / 4 7 8 7 8	10/29/98	~~International~~ WIPO				
	99 / 4 3 2 9 9	09/02/99	~~International~~ WIPO				
RB	99 / 5 1 2 7 3	10/14/99	~~International~~ WIPO				

OTHER DOCUMENTS

EXAMINER: Rachel Bennett | DATE CONSIDERED: 2/27/03

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

10/299,356

Sheet 2 of 2

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION
(Use several sheets if necessary)

DOCKET NO: D-2892DIV | APPLN. NO.: N/A

APPLICANT: Olejnik et al.

FILING DATE: Herewith | GROUP ART: N/A

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
AB	3 2 7 8 4 4 7	10/11/66	McNicholas			
	5 7 1 9 1 9 7	02/17/98	Kanlos et al.			
AB	09 / 9 0 3 9 6 2	07/10/01	Olejnik et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
AB	0 0 1 2 1 3 7	03/09/00	International — WIPO				
AB	0 0 1 9 9 8 1	04/13/00	International — WIPO				

OTHER DOCUMENTS

EXAMINER: Rachel Bennett

DATE CONSIDERED: 2/27/03

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXHIBIT E, TAB 2

D-2892DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: OLEJNIK ET AL	)	Group Art Unit: N/A
	)	(Prior: 1615)
Serial No. N/A	)	
	)	Examiner: N/A
Dated: Submitted herewith	)	(Prior: Bennett, R.)
	)	
For: COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS	)	

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, DC 20231

Sir:

Please amend the above-identified application as follows:

IN THE SPECIFICATION:

On page 1, before the first sentence, add the following paragraph:

--This application is a division of application Serial No.: 09/904,018, filed July 10, 2001, which application claims the benefit of U.S. Provisional Application Serial No. 60/218,200 filed July 14, 2002, the disclosure of each of these applications is hereby incorporated herein in its entirety by reference.--

IN THE CLAIMS:

Cancel claims 1 to 39, without prejudice.

Add new claims 40 to 46 as follows.

40. (New Claim) A composition comprising:

an alpha-2-adrenergic agonist component in an amount effective to provide a therapeutic benefit to a patient to whom the

10929306.111902

composition is administered;

an oxy-chloro component in an effective amount to at least aid in preserving the composition; and

a liquid carrier component,

wherein the composition is substantially free of cyclodextrins.

41. (New claim) The composition of claim 40 wherein the alpha-2-adrenergic agonist component is selected from the group consisting of imino-imidazolines, imidazolines, imidazoles, azepines, thiazines, oxazolines, guanidines, catecholamines, derivatives thereof and mixtures thereof.

42. (New claim) The composition of claim 40 wherein the therapeutically active component includes a quinoxaline component.

A2 cont.

43. (New claim) The composition of claim 42 wherein the quinoxaline component is selected from the group consisting of quinoxaline, derivatives thereof, and mixtures thereof.

44. (New claim) The composition of claim 40 which further includes a solubility enhancing component in an amount effective to increase the solubility of the alpha-2-adrenergic agonist component in the composition relative to the solubility of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.

45. (New claim) The composition of claim 44 wherein the solubility enhancing component is effective to increase the solubility in a biological environment of the alpha-2-adrenergic agonist component relative to the solubility in a biological environment of an identical alpha-2-adrenergic agonist component in a similar composition without the solubility enhancing component.

a

10299386 .111902

a2 concld.

46. (New claim) The composition of claim 44 wherein the solubility enhancing component comprises a polyanionic component.

REMARKS

Claims 1 to 39 have been canceled, without prejudice. New claims 40 to 46 have been added and are directed to embodiments for which patent protection is sought.

Applicant requests early and favorable action in the above-identified application.

Respectfully submitted,

Frank J. Uxa
Attorney for Applicant
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764

C

10299586 .111902

DOCKET NO.: D-2892DIV

THE ENCLOSED PATENT APPLICATION OF OLEJNIK ET AL IS BEING FILED IN ACCORDANCE WITH SECTION 37 CFR 1.10 BY EXPRESS MAIL AND SHOULD BE ACCORDED A FILING DATE OF:

November 19, 2002

SEE THE EXPRESS MAIL CERTIFICATE ATTACHED TO THE APPLICATION.

10259586 .111902

D-2892DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: OLEJNIK ET AL	Group Art Unit: N/A (Prior: 1615)
Serial No. N/A	
Dated: Submitted herewith	Examiner: N/A (Prior: Bennett, R.)
For: COMPOSITIONS CONTAINING ALPHA-2-ADRENERGIC AGONIST COMPONENTS	

Express Mail Mailing Label No. EV059890633

Date of Deposit: November 19, 2002

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Box New App, Washington, D.C. 20231:

1. Application Transmittal Sheet;
2. Application Data Sheet;
3. Preliminary Amendment;
4. Copy of Application;
5. 1 Formal Drawing;
6. Copy Declaration;
7. Copy of Assignment Recordation Cover Sheet and Assignment;
8. Information Disclosure Statement and PTO 1449; and
9. Acknowledgment Postcard

The 9 above-identified documents are enclosed herewith.

Respectfully submitted,

Janet C. McGhee

Janet E. McGhee, Office of
Frank J. Uxa
Attorney for Applicant
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (949) 450-1764

FJUxa/ac

EXHIBIT E, TAB 3

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/299,386	11/19/2002	Orest Olejnik	D-2892DIV	4927

33197 7590 03/13/2003

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER	
BENNETT, RACHEL M	

ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/299,386	OLEJNIK ET AL.	
	Examiner	Art Unit	
	Rachel M. Bennett	1615	

-- *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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *19 November 2002* .

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

3)☐ 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

4)☒ Claim(s) *40-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

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

10)☐ 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).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

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.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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-1449) Paper No(s) *1* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

The examiner acknowledges receipt of Preliminary Amendment A filed 11/19/02.

Specification

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 40-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 47-66 of copending Application No. 10/236566. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim an alpha –2-adrenergic agonist with an oxy-cholo component.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 40-46 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of copending Application No. 09/903962. Although the conflicting claims are not identical, they are not

patentably distinct from each other because both applications claim an alpha –2-adrenergic agonist with an oxy-cholo component.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants do not clearly define "substantially free of cyclodextrins" in the claims or the specification. Clarification is requested.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US 5215991) in further view of Beck et al. (US .6358935).

Burke discloses pharmaceutical compositions of alpha 2 agonists and Na+/H+ exchange inhibitors which are useful in lowering intraocular pressure (IOP) and treatment of intraocular hypertension (see abstract). Preferred imidazoline-derived alpha 2 agonists or pharmaceutically acceptable salts thereof are disclosed in col. 3 (see formula). The most preferred imidazoline-

derived alpha 2 agonist compounds include 5-bromo-6-(2-imidazolidine-2-ylamino)quinoaxaline. Doses of alpha 2 agonist in an ophthalmic preparation effective, non-toxic amount of the agonist in a pharmaceutically acceptable liquid, gel, cream or aqueous or nonaqueous liquid suspension or solution are preferably from about 0.001% to about 1.0% weight/volume. Regardless of the preferred range stated herein, one can determine the most efficacious dose for a particular alpha 2 agonist by carrying out a dose response curve as is well known in the art (see col. 4 lines 34-44). Various buffers and means for adjusting pH may be used as long as the resulting preparation is ophthalmically acceptable. Benzalkonium choride may be used as a preservative. Vehicles include carboxy methyl cellulose. Burke does not disclose the preservative to be a chlorite component.

Beck discloses compositions including a liquid medium, a cylodextrin component and a preservative component which has a reduced tendency of being complexed with the cyclodextrin component. The clycodextrin component can be in an amount as little as 0.1%. In one embodiment, the preservative component is a chlorite component. Active compounds, such as pharmaceutically active components or drugs, preferably are included in the compositions (see abstracts). For example, the present compositions may include a pharmaceutically effective in providing a therapeutic effect when administered to the eyes of a human or animal. The preservative employed is preferably ophthalmically acceptable at the concentration employed so that the human or animal is effectively treated without significant harm caused by the presence of the preservative (see col. 1). Preferably, the preservative component has in increased or greater preservative efficacy in the composition relative to an identical amount (w/v) of benzalkonium chloride.

Absent unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the composition of Burke by substituting the preservative, chlorite as taught by Beck for the benzalkonium choride because of the expectation of increased or greater preservative efficacy as taught by Beck.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel M. Bennett whose telephone number is (703) 308-8779. The examiner can normally be reached on Monday through Friday, 8:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (703) 308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3592 for regular communications and (703) 308-7924 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

R. Bennett
March 3, 2003

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600