



Fox Rothschild LLP
ATTORNEYS AT LAW

Mail: P.O. Box 5231, Princeton, NJ 08543-5231

Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311
Tel 609.896.3600 Fax 609.896.1469
www.foxrothschild.com

DATE: OCTOBER 2, 2007

FACSIMILE TRANSMITTAL SHEET

TO:	COMPANY:	FAX NUMBER:	PHONE NUMBER:
PCT Examination Section	The International Bureau of WIPO	011-41-22-740-14-35	011-41-22-338-8395
PCT Branch	United States Patent and Trademark Office	571-273-3201	571-272-7774

FROM:	PHONE NUMBER:	EMAIL:	BILLING NUMBER:
Gerard P. Norton	(609) 844-3020	gnorton@foxrothschild.com	1472

NUMBER OF PAGES:	CHARGE FILE #:	PRIORITY:	LOG NUMBER:
	48169.00009	REGULAR	

IF YOU DO NOT RECEIVE ALL OF THE PAGES,
PLEASE CALL (609)895-6290 AS SOON AS POSSIBLE.
ORIGINAL DOCUMENT WILL NOT FOLLOW BY MAIL

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY FOR YOUR INFORMATION

NOTES/COMMENTS:

International Application No.: PCT/US2006/14790 filed 19 April 2006 for "Use of Biocompatible in-situ Matrices for Delivery of Therapeutic cells to the heart"

1. Response to Written Opinion (1 page);

IRS CIRCULAR 230 DISCLOSURE:

PURSUANT TO TREASURY REGULATIONS, ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED OR RELIED UPON BY YOU OR ANY OTHER PERSON, FOR THE PURPOSE OF (a) AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (b) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TAX ADVICE ADDRESSED HEREIN.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

REMARKS

Reconsideration of the claims of the instant application is respectfully requested in view of the following remarks. Claims 1-22 have been rejected as lacking novelty over US Patent 5,840,059 ("March") or lacking inventive step over the combination of March and U.S. Patent 6,151,525 ("Soykan). Applicants respectfully disagree with this assertion.

The instant invention is drawn to, *inter alia*, a method for delivering cells to the heart of a subject comprising a) forming channels within a region of a wall of the subject's heart which includes a myocardial layer; and b) delivering to said region a composition comprising living cells and a biocompatible matrix that forms *in situ* upon exposure to a physiological condition, wherein said living cells provide a therapeutic effect.

Claims 1 and 17 are independent claims. Both of these claims require that the composition delivered into the subject's heart should comprise, *inter alia*, a biocompatible matrix which forms *in situ*. In contrast, neither March nor Soykan disclose or suggest such matrices. March discloses viscous carriers or scaffolds, and Soykan discloses polymeric matrices. Clearly, these disclosures come short of the requirement of claims 1 and 17 that the matrices should be formed *in situ*, i.e., upon being administered to the patient. For example, March does not disclose a viscous carrier which congeals into a solid matrix upon being administered to a patient: the scaffolds of March are being administered as solid implants, and the viscous carrier stays liquid upon being administered. Similarly, the disclosure of polymeric matrices in Soykan does not disclose or suggest matrices which are administered as liquid carriers and are transformed into solid matrices. Further, it is known in the art that many conditions can trigger the formation of the matrix, including both physiological and non-physiological conditions. Neither March nor Soykan disclose or suggest that the matrix should be formed in response to a physiological condition. Applicants further submit that the formation of matrices *in situ* is clearly advantageous over March and Soykan. Because the compositions of the instant invention are administered to the subject's heart as liquids, the composition can fill the target area of the heart better than solid carriers and decrease traumatic response which may be caused by implanting the solid matrix into a contractile tissue. In addition, after the compositions solidify, they are not as likely to leak out from the target area as liquid viscous carriers thus diminishing waste of biological factors (e.g., cells or growth factors) and increasing the specificity of treatment.

For at least these reasons, March and Soykan, whether individually or in combination, do not anticipate claims 1 and 17 of the instant invention or negate the inventive step of these claims, and therefore, claims 1 and 17 are patentable. Claims 2-16 depend on claim 1, and

LV1 529686v2 10/01/07

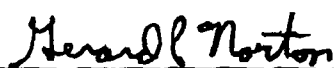
claims 18-23 depend on claim 17. Since claims 1 and 17 are patentable, claims dependent from claims 1 and 17 are also patentable. For these reasons, Applicant respectfully requests the Examiner to withdraw the rejections of claims 1-23 over March and Soykan.

CONCLUSION

In view of these amendments and remarks, Applicant believes that all claims of the instant application are novel and involve an inventive step, and therefore, patentable.

Respectfully submitted,

Date: October 2, 2007


Gerard P. Norton
Attorney for the applicant
Registration No. 36,621
Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311

LV1 529686v2 10/01/07