



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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Office of Regulatory Policy
HFD - 13
5600 Fishers Lane
Rockville, MD 20857

MAR 12 2004

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Attention: Claudia Grillo

The attached application for patent term extension of U.S. Patent No. 4,885,243 was filed on November 10, 2003, under 35 U.S.C. § 156.

The assistance of your Office is requested in confirming that the product identified in the application, CUBICIN™ (daptomycin for injection), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period after the product was approved. Since a determination has not been made whether the patent in question claims a product which has been subject to the Federal Food, Drug and Cosmetic Act, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

Our review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156.

Inquiries regarding this communication should be directed to the undersigned at (703) 306-3159 (telephone) or (703)308-6916 (facsimile).

Karin Ferriter
Senior Legal Advisor
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