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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,177	03/22/2023	10039483	MGMD-002/05US 316052-2142	2677
58249	7590	04/26/2023	EXAMINER	
COOLEY LLP			DAWSON, GLENN K	
ATTN: IP Docketing Department				
1299 Pennsylvania Avenue, NW				
Suite 700				
Washington, DC 20004				
			ART UNIT	PAPER NUMBER
			3993	
			MAIL DATE	DELIVERY MODE
			04/26/2023	PAPER

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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Matthew A. Smith
SMITH BALUCH LLP
376 Boylston Street Suite 401
Boston, MA 02116

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,177 .

PATENT UNDER REEXAMINATION 10039483 .

ART UNIT 3993 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

***Order Granting Request For
Ex Parte Reexamination***

Control No.

90/019,177

Patent Under Reexamination

10039483

Examiner

GLENN K DAWSON

Art Unit

3993

AIA (FITF) Status

No

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 03/22/2023 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) ☐ PTO-892, b) ☒ PTO/SB/08, c) ☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/GLENN K DAWSON/
Primary Examiner, Art Unit 3993

cc:Requester (if third party requester)

RX - *EX PARTE* REEXAMINATION ORDER - GRANTED

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving U.S. Patent No. 10,039,483 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination

proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)).

Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Waiver of Right to File Patent Owner Statement

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550(f). The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

WAIVER OF RIGHT TO FILE PATENT OWNER STATEMENT

Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

Submissions

In order to insure full consideration of any amendments, affidavits or declarations or other documents as evidence of patentability, such documents must be submitted in response to the first Office action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and by 37 CFR 41.33 after appeal, which will be strictly enforced.

Prior Art Relied Upon in the Request

1. U.S. Patent No. 8,535,241 to Bullington, et al. (Bullington).
2. U.S. Patent No. 6,013,037 to Brannon.
3. U.S. Patent No. 4,690,154 to Woodford.
4. U.S. Patent No. 3,886,930 to Ryan.

Previous Examination

Based on the examiner's reasons for allowance in the prosecution of the underlying application (15/832,091) that became U.S. Patent No. 10,039,483, the limitations added to the claims and after submission resulted in allowance of the claims, confirmed that:

Patent claims 1 and 24 were allowed because the prior art failed to teach a fluid diversion mechanism for sequestering an initial volume of blood to reduce contamination of subsequent blood samples taken with the mechanism including a vent that allows air to exit the housing as blood enters the fluid reservoir that sequesters the initial volume of blood.

Priority Date Analysis of the '483 Patent

3PR argues that statements made by Patent Owner (PO) in a related infringement court proceeding make the '483 patent claims unsupported by the parent patents that the '483 patent claims domestic priority to. 3PR argues that in the '483 patent PO sought to broaden its claims to cover a vent that vents air from a fluid reservoir, and the only disclosure in the '483 patent as to the location of the vent is in the distal end portion of the housing. 3PR states that a jury found infringement of claims 1 and 24 of the '483 patent by 3PR's devices which have a vent which vents air from the

fluid reservoir. 3PR also stated that PO has contended in the litigation that claims 1 and 24 permit the vent to be positioned so as to allow air to vent from the fluid reservoir. 3PR relies on these statements from PO to establish that PO contends that their claims cover a device that vents air from the fluid reservoir. The examiner makes the following statements: The parent patents that the '483 patent claims domestic priority to do all disclose that the vent(s) is/are located in the distal end portion of the housing. The parent patents also disclose that the fluid reservoir 280 can be formed from a portion of the inner volume of the housing. The claims in question of the '483 patent, namely claims 1 and 24, require either "a vent disposed in the housing and configured to allow air to exit the housing as blood enters the fluid reservoir; or "the housing including a vent configured to allow air to exit the housing as blood enters the first fluid flow path". The statements made by PO in the infringement litigation only provide evidence that PO's position is that the prior art devices read on the '483 patent claims, not that the device disclosed in the '483 patent performed the same functions as the prior art devices with respect to the "venting". As discussed above, the fluid reservoir is or can be in the housing. The infringing device had a vent in the housing and which communicated with the fluid reservoir, and air which was in the fluid reservoir and which exited the fluid reservoir

when blood entered it also exited the housing to the ambient atmosphere.

Therefore, the prior art device did read on the '483 patent claims. By pointing this out PO was not stating that the device disclosed in the '483 patent vented air out of its own fluid reservoir, which it does not have support for in either the '483 patent or in any of its parents; PO was merely stating that the prior art device read on the '483 patent claims 1 and 24 because the air exiting its own fluid reservoir also exited the housing the fluid reservoir is in. Accordingly, the examiner contends that PO did not broaden its claims to cover a vent that vents air from its fluid reservoir. The vent in its housing allows air to exit its housing as blood enters the fluid reservoir. Therefore, claims 1 and 24 of the '483 patent are deemed to be supported by the parent patents' disclosure. Therefore, it appears that the Effective Filing Date (EFD) of claims 1 and 24 of the '483 Patent is 10-12-2012.

New Teachings from the Prior Art

Bullington is "old" art, was cited during the original prosecution of the '483 patent, is a parent of the '483 patent and has the exact same disclosure, although with different claims. Because of that it clearly discloses a fluid diversion mechanism for sequestering an initial volume of

blood to reduce contamination of subsequent blood samples taken with the mechanism including a vent allows air to exit the housing as blood enters the fluid reservoir that sequesters the initial volume of blood. However, it is unavailable as prior art for an art rejection as it does not qualify as being prior art for the '483 patent under any section of 35 USC 102.

Brannon is "new" art, not having been cited, discussed or applied against any claims in the original prosecution of the '483 patent. Brannon discloses a fluid diversion mechanism 10 for sequestering an initial volume of blood (in a fluid reservoir 30) to reduce contamination of subsequent blood samples taken with the mechanism, including a vent 14 which allows air to exit the housing 12 as blood enters the fluid reservoir 30. Brannon sequesters the initial volume of blood and prevents contamination of subsequent blood samples which are sent to a 2nd fluid reservoir 60.

Woodford is "new" art, not having been cited, discussed or applied against any claims in the original prosecution of the '483 patent. Woodford discloses a vented syringe 10 which allows air in a fluid reservoir 38 of the syringe to exit the housing 12 via venting passages 44, 50 in the syringe piston 28 and around the plunger 14, as blood enters the fluid reservoir 38. The air leaves the housing 12 at end 20.

Ryan is “new” art, not having been cited, discussed or applied against any claims in the original prosecution of the '483 patent. Ryan teaches a blood collection assembly including a housing 22 and a fluid reservoir 40 for receiving blood from a patient through cannula 21. After this initial sample of blood is sequestered in 40, a container 38 is pressed into passageway 23' until cannula end 37 pierces end wall 43 of valve 30 into closure 39. Further movement of container 38 causes the cannula end 37 to communicate with space in container 38 enabling blood flow from the patient, through cannula 21, out end 37 into 2nd fluid reservoir 38. This 2nd blood sample is sequestered from the 1st sample because the initial sample cannot pass through or along cannula 21, since its ends are sealed off by a closure 39 and seal 44. Ryan discloses air in cannula 21 is vented through cannula end 37, through restricted space between 40 and 31, and then through vent holes 45, 46 into passageway 23' and out to the ambient atmosphere through open end 25.

Decision

A substantial new question of patentability affecting claims 1 and 24 of United States Patent Number 10,039,483 is raised by the request for *ex parte* reexamination.

Substantial New Questions of Patentability

SNQP 1- It is agreed that Brannon raises a SNQP with respect to claims 1 and 24 of the '483 patent.

As discussed above, Brannon teaches a fluid diversion mechanism for sequestering an initial volume of blood to reduce contamination of subsequent blood samples taken with the mechanism including a vent allows air to exit the housing as blood enters the fluid reservoir that sequesters the initial volume of blood. A reasonable examiner would have found this reference important in determining the patentability of patent claims 1 and 24. Therefore, it is agreed that Brannon raises a SNQP with respect to claims 1 and 24 of the '483 patent, a question which has not been previously raised in a previous examination of the '483 patent.

******* Since Brannon alone raises a SNQP with respect to claims 1 and 24 of the '483 patent, then it in combination with any other new reference, including Woodford, would also raise a SNQP with respect to claims 1 and 24 of the '483 patent.

SNQP 2- It is agreed that Ryan raises a SNQP with respect to claims 1 and 24 of the '483 patent.

As discussed above, Ryan teaches a fluid diversion mechanism for sequestering an initial volume of blood to reduce contamination of subsequent blood samples taken with the mechanism including a vent allows air to exit the housing as blood enters the fluid reservoir that sequesters the initial volume of blood. A reasonable examiner would have found this reference important in determining the patentability of patent claims 1 and 24. Therefore, it is agreed that Ryan raises a SNQP with respect to claims 1 and 24 of the '483 patent, a question which has not been previously raised in a previous examination of the '483 patent.

Conclusion

For the reasons given above, the references cited by the 3PR raise a substantial new question of patentability with respect to claims 1 and 24 of the '483 patent. Accordingly, claims 1 and 24 of the '483 patent will be reexamined.

35 USC 325(d)

A review of the post grant history for the '483 patent indicates that there have been no other Office post grant challenges made to the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Accordingly, a discretionary denial of reexamination pursuant to 35 USC 325(d) is not applicable.

Correspondence

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By EFS: Registered users may submit via the electronic filing system (EFS-Web, at <https://efs.uspto.gov/efile/myportal/efs-registered>).

By mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By Fax to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

For EFS-Web transmissions 37 CFR 1.8(a)(1)(i) (C) and (ii) states that the correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLENN K DAWSON whose telephone number is (571)272-4694. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors Gay Ann Spahn and Eileen Lillis can be reached at 571-272-7731 and 571-272-6928, respectively.


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.

Signed: /GLENN K DAWSON/
Glenn K. Dawson
Patent Reexamination Specialist, Art Unit 3993

Conferees: /DAVID O REIP/
David O. Reip
Patent Reexamination Specialist, Art Unit 3993

/GAS/
Gay Ann SPAHN
Supervisory Patent Reexamination Specialist, Art Unit 3993

<i>Search Notes</i> 	Application/Control No. 90/019,177	Applicant(s)/Patent Under Reexamination 10039483
	Examiner GLENN K DAWSON	Art Unit 3993

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner


US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
see attached PE2E search	04/21/2023	gkd
reviewed the '483 patent prosecution history	04/21/2023	gkd
reviewed P-TACTS and PDP for continuity, and verified that no IPR's or other post examination proceedings have been filed on the '483 patent	04/21/2023	gkd

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/GLENN K DAWSON/ Primary Examiner, Art Unit 3993	
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Reexamination 	Application/Control No. 90/019,177	Applicant(s)/Patent Under Reexamination 10039483
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
Matthew A. Smith SMITH BALUCH LLP 376 Boylston Street Suite 401 Boston, MA 02116

LITIGATION REVIEW <input checked="" type="checkbox"/>	gkd (examiner initials)	(date)
Case Name		Director Initials
US District Court, Delaware (Wilmington) 1:19cv97, Magnolia Medical Technologies, Inc. V. Kurin, Inc.		GAS for DPR

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
None	N/A

/GLENN K DAWSON/ Primary Examiner, Art Unit 3993	
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PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L1	4	"10039483".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/14 04:17 PM
L2	4	"10265007".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/14 04:46 PM
L3	3	"9060725".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/14 04:46 PM
L4	2	"8864684".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/14 04:47 PM
L5	2	"8535241".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/14 04:47 PM
L6	5	"9820682".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 08:25 AM
L7	6	((US-10039483-B2 OR US-8535241-B2 OR US-8864684-B2 OR	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD,	OR	ON	ON	2023/04/17 08:26 AM

L8	2	US-9060725-B2 OR US-10265007-B2 OR US-9820682-B2).did. AND USPT.dbnm.) "10827964".pn.	DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB) (US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 11:01 AM
L9	6	((US-10039483-B2 OR US-8535241-B2 OR US-8864684-B2 OR US-9060725-B2 OR US-10265007-B2 OR US-10827964-B2).did. AND USPT.dbnm.)	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 11:01 AM
L10	7	"6013037".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 05:24 PM
L11	5	"4690154".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 05:24 PM
L12	10	"3886930".pn.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 05:24 PM
L13	9	((US-10039483-B2 OR US-8535241-B2 OR US-8864684-B2 OR US-9060725-B2 OR US-10265007-B2 OR US-9820682-B2 OR US-3886930-A OR US- 4690154-A OR US- 6013037-A).did. AND USPT.dbnm.)	(US-PGPUB; USPAT; USOCR; FIT (AP, AT, AU, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/04/17 05:26 PM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

SHEET 1 OF 3

INFORMATION DISCLOSURE STATEMENT LIST BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	In re Patent No. 10,039,483
	Filing Date	2023-03-22
	First Named Inventor	Gregory J. Bullington
	Art Unit	Reexamination
	Examiner Name	Not Yet Assigned Glenn K. DAWSON
Attorney Docket Number		N/A

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	10,039,483	08-07-2018	Bullington et al.	
	2.	6,013,037	01-11-2000	Brannon	
	3.	3,859,998	01-14-1975	Thomas et al.	
	4.	5,097,842	03-24-1992	Bonn	
	5.	4,207,870	06-17-1980	Eldridge	
	6.	6,913,580	07-05-2005	Stone	
	7.	4,690,154	09-01-1987	Woodford et al.	
	8.	4,373,535	02-15-1983	Martell	
	9.	5,865,803	02-02-1999	Major	
	10.	8,535,241	09-17-2013	Bullington et al.	
	11.	US 2015/0351678	12-10-2015	Bullington et al.	
	12.	US 2005/0273019	12-08-2005	Conway et al.	
	13.	9,820,682	11-21-2017	Rogers et al.	
	14.	3,886,930	06-03-1975	Ryan	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	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

Examiner Signature:	/GLENN K. DAWSON/	Date Considered	04/24/2023
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*EXAMINER: Initial if reference 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 applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.K.D/

SHEET 2 OF 3

INFORMATION DISCLOSURE STATEMENT LIST BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	In re Patent No. 10,039,483
	Filing Date	2023-03-22
	First Named Inventor	Gregory J. Bullington
	Art Unit	Reexamination
	Examiner Name	Not Yet Assigned Glenn K. DAWSON
Attorney Docket Number		N/A

NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when 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
	15.	Declaration of Dr. Erik K. Antonsson, PH.D.. P.E., NAE (March 21, 2023). 137 pages.	
	16.	File History of U.S. Patent Application No.: 15/832,091 filed December 5, 2017. 360 pages.	
	17.	Kurin, Inc.'s Opening Post-Trial Brief Regarding Indefiniteness in Magnolia Medical Technologies, Inc. v. Kurin, Inc., C.A. No. 19-097 (CFC)(CJB), Document 451 (Filed September 9, 2022). 24 pages.	
	18.	Magnolia's Answer Brief in Opposition to Kurin, Inc.'s Opening Post-Trial Brief Regarding Indefiniteness in Magnolia Medical Technologies, Inc. v. Kurin, Inc., C.A. No. 19-097 (CFC)(CJB), Document 463 (Filed September 30, 2022). 25 pages.	
	19.	Redacted Plaintiff's Answering Brief in Opposition to Defendant's Motion for Summary Judgement (No. 3) Of Noninfringement of All Asserted Claims Due to Lack of Sequestration in Magnolia Medical Technologies, Inc. v. Kurin, Inc., C.A. No. 19-97 (CFC)(CJB), Document 389 (Filed July 14, 2021). 15 pages.	
	20.	Hillyer, Christopher D., et al., Bacterial Contamination of Blood Components: Risks, Strategies, and Regulation, <i>Hematology</i> , 2003, p. 575-589.	
	21.	Brecher, Mark E., et al., Bacterial Contamination of Blood Components, <i>Clinical Microbiology Reviews</i> , Vol. 6, No. 1, 2005, p. 195-204.	
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Examiner Signature:	/GLENN K DAWSON/	Date Considered	04/24/2023
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SHEET 3 OF 3

INFORMATION DISCLOSURE STATEMENT LIST BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	In re Patent No. 10,039,483
	Filing Date	2023-03-22
	First Named Inventor	Gregory J. Bullington
	Art Unit	Reexamination
	Examiner Name	Not Yet Assigned Glenn K. DAWSON
	Attorney Docket Number	N/A

NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when 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
	25.	Verdict Form (Phase 2) (Redacted) in Magnolia Medical Technologies, Inc. v. Kurin, Inc., C.A. No. 19-97-CFC (CJB), Document 443 (Filed July 29, 2022). 5 pages.	
	26.	Opening Expert Report of Dr. Juan G. Santiago Regarding Infringement of U.S. Patent Nos. 9,855,001 and 10,039,483 (Redacted) in Magnolia Medical Technologies, Inc. v. Kurin, Inc., C.A. No. 19-00097-CFC (dated January 15, 2021). 555 pages.	
	27.	Original Claims of U.S. Patent Application 14/712,431 filed May 14, 2015. 6 pages.	
	28.	Vent Definition & Meaning – Merriam-Webster (https://www.merriam-webster.com/dictionary/vent , accessed March 21, 2023). 16 pages.	
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	30.	Claim Construction Order in Retractable Technologies, Inc., and Thomas Shaw v. Becton Dickinson & Co., Civil Action No. 2:07-CV-250 (DF) (January 20, 2009). 32 pages.	

Examiner Signature:	/GLENN K DAWSON/	Date Considered	04/24/2023
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