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In re NeXstar Pharmaceuticals, Inc. : DISMISSAL OF PATENT
U.S. Patent No. 5,019,369 : TERM EXTENSION
: APPLICATION

An application for patent term extension of U.S. Patent No. 5,019,369 based upon the human drug product DaunoXome® was filed by patent owner NeXstar Pharmaceuticals, Inc. in the Patent and Trademark Office on June 7, 1996. Applications for patent term extension of 5,435,989 and 5,441,745, based upon the same product, were also filed on June 7, 1996.

On January 26, 1998, the PTO mailed a Notice of Final Determination in all of the above-noted applications informing NeXstar that the patents qualify for patent term extension but for the fact that pursuant to 35 U.S.C. § 156(c)(4), only one patent may be extended for the same regulatory review period for a product. NeXstar was given a period of one-month to elect the patent for which term extension is desired.

On February 18, 1998, NeXstar filed a paper electing to have the term of U.S. Patent No. 5,441,745 extended. Accordingly, the application for patent term extension of the term of U.S. Patent No. 5,019,369 is dismissed under 35 U.S.C. 156(c)(4).

Telephone inquiries regarding this communication should be directed to the undersigned at (703)306-3159.

Karin Tyson
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cc: Ronald L. Wilson, Director
Health Assessment Policy Staff
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RE: DaunoXome®
FDA Docket No.: 96E-0288