

Unidad Técnica: 1626

Notificación de Estatus Pre-AIA o AIA

La presente aplicación, presentada en o después del 16 de marzo del 2013, está siendo examinada bajo el primer inventor en presentar provisiones del AIA.

Materia Permitida

Las reivindicaciones 1-10 y 12-29 son permitidas

Prioridad

La presente solicitud reclama el beneficio de las solicitudes provisionales 62/672,261, 62/649,856, 62/591,247 y 62/520,430 presentadas el 16 de mayo del 2018, 29 de marzo del 2018, 28 de noviembre de 2017 y 15 de junio del 2017, respectivamente. Las reivindicaciones 1-9 y 15-27 están sustentadas en 62/520,430 y, por lo tanto, la fecha de presentación efectiva de estas reivindicaciones es el 15 de junio del 2017. Las reivindicaciones 10-14 no están sustentadas en 62/520,430 o 62/591,247 (por ejemplo, cuando el alcance del método se amplía a enfermedades asociadas con GPR6 o donde dicho método cubre la depresión). Sin embargo, las reivindicaciones 10-14 están sustentadas en 62/672,261 y, por lo tanto, tienen una fecha de presentación efectiva del 16 de mayo del 2018.

Estatus de las Reivindicaciones

Las reivindicaciones 1-10 y 12-29 están pendientes

Respuesta a los Argumentos

Los argumentos del solicitante, véase Observaciones y Enmiendas a las Reivindicaciones, presentadas el 28 de febrero del 2019, con respecto al rechazo bajo la Sección 112(a) y el rechazo bajo 103 han sido consideradas por completo y son persuasivas y en vista a las enmiendas a las reivindicaciones.

Conclusión

La siguiente es una declaración del examinador acerca de las razones para la concesión: El estado de la técnica más cercano es WO2015/095728 y las solicitudes derivadas de la misma, que describen la (S)-1-(2-(4-(2,4-difluorofenoxi)piperidin-1-il)-3-((tetrahidrofuran-3-il)amino)-7,8-dihidropirido[3,4-b]pirazina-6(5H)-il)etan-1-ona (compuesto A) . La presente invención está dirigida a (R)-1-(2-(4-(2,4-difluorofenoxi)piperidin-1-il)-3-((tetrahidrofuran-3-il)amino)-7,8-dihidropirido[3,4-b]pirazina-6(5H)-il)etan-1-ona (compuesto A). Esto se refiere a que la técnica anterior describe un enantiómero diferente y no enseña o sugiere o proporciona una razón para ensayar el enantiómero R. Además, los compuestos más activos de acuerdo con los datos de los ensayos no inducen a una persona normalmente versada en la materia a modificar los compuestos principales para llegar al Compuesto A, ya que son estructuralmente diferentes. Además, la presente solicitud proporciona datos comparativos del Compuesto A del estado del arte previo y la presente invención, que muestra la inhibición selectiva de los canales hERG en comparación con el compuesto A. de la técnica anterior.

Cualquier comentario que el solicitante considere necesario debe enviarse antes del pago de la tarifa de emisión y, para evitar retrasos en el procesamiento, preferiblemente debe acompañar la tarifa de emisión. Tales entregas deben estar claramente etiquetadas como "Comentarios sobre la Declaración de los Motivos de la Asignación".

Cualquier consulta sobre esta comunicación o comunicaciones anteriores del examinador, debe ser dirigida a NYEEMAH A GRAZIER cuyo número de teléfono es (571) 272-6256. El examinador normalmente puede ser contactado de lunes a viernes de 6:00 a.m. a 2:30 p.m.

Las entrevistas con los examinadores están disponibles por vía telefónica, en persona y por videoconferencia, mediante una herramienta de colaboración web proveída por la USPTO. Para programar una entrevista, se recomienda al solicitante utilizar la Solicitud de Entrevista Automatizada (AIR) de la USPTO en <http://www.uspto.gov/interviewpractice>.

Si los intentos de comunicarse con el examinador por teléfono no tienen éxito, el supervisor del examinador, Joseph McKane puede ser contactado al 571-272-0699. El número de teléfono de fax de la organización donde esta solicitud o trámite asignado es 571-273-8300.

La información sobre el estado de una solicitud puede ser adquirida en el sistema de Recuperación de la Información de la Solicitud de Patente (PAIR). Se puede obtener información sobre el estatus de las aplicaciones publicadas desde PAR Privado o PAR Público. La información

Unidad Técnica: 1626

del estatus de las aplicaciones no publicadas está disponible únicamente a través de PAIR Privado. Para obtener más información sobre el sistema PAIR, consulte <http://pairdirect.uspto.gov>. Si tiene preguntas sobre el acceso al sistema PAIR Privado, comuníquese con el Centro de Negocios Electrónicos (EBC) al 866-217-9197 (línea gratuita). Si desea recibir asistencia de un Representante de Servicio al Cliente de la USPTO o acceso al Sistema de Información Automatizado, llame al 800-786-9199 (EN EE. UU. O CANADÁ) o al 571-272-1000.

/NYEEMAH A GRAZIER/

Examinador Principal, Unidad Técnica1626



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

95668 7590 05/02/2019
Barnes & Thornburg LLP (MI)
225 South Sixth Street, Suite 2800
Minneapolis, MN 55402-4662

EXAMINER

GRAZIER, NYEEMAH A

ART UNIT

PAPER NUMBER

1626

DATE MAILED: 05/02/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/009,308	06/15/2018	Jason W. Brown	2111.4005US	9335

TITLE OF INVENTION: TETRAHYDROPYRIDOPYRAZINE MODULATORS OF GPR6

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	08/02/2019

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

95668 7590 05/02/2019
Barnes & Thornburg LLP (MI)
 225 South Sixth Street, Suite 2800
 Minneapolis, MN 55402-4662

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

	(Typed or printed name)
	(Signature)
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/009,308	06/15/2018	Jason W. Brown	2111.4005US	9335

TITLE OF INVENTION: TETRAHYDROPYRIDOPYRAZINE MODULATORS OF GPR6

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	08/02/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
GRAZIER, NYEEMAH A	1626	514-161000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/009,308	06/15/2018	Jason W. Brown	2111.4005US	9335
95668	7590	05/02/2019	EXAMINER	
Barnes & Thornburg LLP (MI) 225 South Sixth Street, Suite 2800 Minneapolis, MN 55402-4662			GRAZIER, NYEEMAH A	
			ART UNIT	PAPER NUMBER
			1626	
DATE MAILED: 05/02/2019				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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 30 minutes 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, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 16/009,308	Applicant(s) Brown et al.	
	Examiner NYEEMAH A GRAZIER	Art Unit 1626	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/19.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-10 and 12-29. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/ NYEEMAH A GRAZIER/ Primary Examiner, Art Unit 1626	
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Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Allowable Subject Matter

Claims 1-10 and 12-29 are allowed.

Priority

The instant application claims benefit to provisional applications 62/672,261, 62/649,856, 62/591,247, and 62/520,430 filed May 16, 2018, March 29, 2018, November 28, 2017 and June 15, 2017, respectively. Claims 1-9 and 15-27 have support in 62/520,430 and therefore the effective filing date for these claims is June 15, 2017. Claims 10-14 are not supported in 62/520,430 or 62/591,247 (e.g. where the method scope is broadened to diseases associated with GPR6 or where said method covers depression). However, claims 10-14 are supported in 62/672,261 and therefore have an effective filing date of May 16, 2018.

Status of the Claims

Claims 1-10 and 12-29 are pending.

Response to Arguments

Applicant's arguments, see Remarks and Amendment to the Claims, filed February 28, 2019, with respect to the rejection under Section 112(a) and the rejection under 103 have been fully considered and are persuasive and in view of the amendment to the claims.

Conclusion

The following is an examiner's statement of reasons for allowance: The closest prior art is WO 2015/095728 and applications derived thereby, which describes the (S)-1-(2-(4-(2,4-difluorophenoxy)piperidin-1-yl)-3-((tetrahydrofuran-3-yl)amino)-7,8-dihydropyrido[3,4-b]pyrazine-6(5H)-yl)ethan-1-one (compound A). The instant invention is directed to (R) 1-(2-(4-(2,4-

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difluorophenoxy)piperidin-1-yl)-3-((tetrahydrofuran-3-yl)amino)-7,8-dihydropyrido[3,4-b]pyrazine-6(5H)-yl)ethan-1-one. That is the prior art discloses a different enantiomer and it does not teach or suggest or provide a reason to try the R enantiomer. Furthermore, the most active compounds according to the assay data would not prompt a POSITA to modify the lead compounds to arrive at Compound A as they are structurally different. Furthermore, the instant application provides comparative data of Compound A of the prior art and the instant invention, which shows elective inhibition of hERG channels compared to the prior art compound A.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NYEEMAH A GRAZIER whose telephone number is (571)272-6256. The examiner can normally be reached on M-F 6:00 a.m. -2:30 p.m..

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

Art Unit: 1626

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.

/NYEEMAH A GRAZIER/

Primary Examiner, Art Unit 1626