Tab 4

Attorney Docket No. 01723326 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:		)	
	Jeffrey Owen Phillips	)	
		)	Examiner: Fan, J.
Serial No.:	09/481,207	)	
		)	Group Art Unit: 1625
Filed:	January 11, 2000	)	
For:	Novel Substituted Benzimidazole Dosage Forms and Method of Using Same	)	

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Tim Hubalik
(typed or printed name of person mailing paper or fee)
(signature of person mailing paper or fee)

TERMINAL DISCLAIMER UNDER 37 § CFR 1.321

Assistant Commissioner of Patents
Washington, D. C. 20231

Sir:

I, Joseph A, Mahoney, represent that I am the attorney of record for this application, that The Curators of the University of Missouri, a nonprofit organization, owns all of the right, title and interest in the above-identified application Serial No. 09/481,207; which is a continuation-in-part of United States Serial No. 09/183,422, which is a continuation-in-part of United States Serial No. 08/680,376, filed July 15, 1996, now U.S. Patent No. 5,840,737. Your petitioner, Joseph A. Mahoney, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of United States Patent No. 5,840,737, and hereby agrees that any patent so granted on the above-identified applications shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title of United States Patent No. 5,840,737, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer petitioner does not disclaim any terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full or extended statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of United States Patent No. 5,840,737, or later: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Further, the petitioner does not disclaim any right to extend the term of any patent issued for the above-identified application under 35 U.S.C. § 156 from the date of expiration for such patent as is imposed by this terminal disclaimer.

The evidentiary documents accompanying or referred to in the Instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of my knowledge and belief, title is in the assignee.

Submitted simultaneously herewith is check in the amount of $55.00 for the fee under 37 CFR § 1.20(d) for filing a statutory disclaimer under 37 CFR § 1.321 by a small entity as defined in 37 CFR § 1.27(a). If there are any additional fees due in connection with the filing of this response, please charge these additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019.

Respectfully submitted,

Dated: November 19, 2001

By: Joseph A. Mahoney

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