

EXHIBIT C

Terminal Disclaimer for US Patent No. 6,051,698

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	JANJIC <i>ET AL.</i>)	
)	
SERIAL NO:	08/897,351)	EXAMINER:ZITOMER, S.
)	
FILED:	JULY 21, 1997)	ART UNIT:1807
)	
TITLE:	VASCULAR)	
	ENDOTHELIAL GROWTH)	
	FACTOR (VEGF))	
	NUCLEIC ACID LIGAND)	
	COMPLEXES)	

TERMINAL DISCLAIMER UNDER 37 CFR §1.321(c)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

NeXstar Pharmaceuticals, Inc., having a business address of 2860 Wilderness Place, Suite 200, Boulder, CO 80301, is the owner of the entire interest in the instant application, and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent No. 5,811,533, issued September 22, 1998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent No. 5,811,533, issued September 22, 1998, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner of Patents, Washington, D.C. 20231 on Dec 7, 1998

Signature: Tracy E. Crispino

Name: Tracy E. Crispino

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of United States Patent No. 5,811,533, as presently shortened by any terminal disclaimer, in the event that the foregoing United States Patent: 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 CFR §1.321, has all claims canceled by re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

The undersigned hereby authorizes the charge of the terminal disclaimer fee of \$110.00 or any deficiency of fees to be charged to Deposit Account No. 22-0277.

Respectfully submitted,

Date: December 7, 1998

Barry J. Swanson

Barry J. Swanson, #33,215
Swanson & Bratschun, L.L.C.
8400 E. Prentice Avenue, Suite 200
Englewood, CO 80111
(303) 793-3333

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Attorney Docket No. NEX61/CIP
Express Mail No. EL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE :	U.S. Patent No. 6,051,698
ISSUED:	April 18, 2000
TO:	NEBOJSA JANJIC, et al.
FOR:	VASCULAR ENDOTHELIAL GROWTH FACTOR (VEGF) NUCLEIC ACID LIGAND COMPLEXES
FROM:	SERIAL NO. 08/897,351
OF:	July 21, 1997

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

**AUTHORIZATION TO RELY UPON MARKETING ACTIVITIES
IN REQUEST FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. §156**

Dear Sir,

Pursuant to M.P.E.P. § 2752, Eyetech Pharmaceuticals, Inc., a corporation organized and existing under the laws of the State of Delaware, and having a place of business at 3 Times Sq., 12th Floor, New York, NY 10036, United States of America, hereby authorizes Gilead Sciences, Inc. to rely upon the activities of Eyetech Pharmaceuticals, Inc. before the Food and Drug Administration during the regulatory review period for Macugen® (Pegaptanib sodium injection) in its request for extension of patent term under 35 U.S.C. § 156 of U.S. Patent No. 6,051,698, granted to Nebojsa Janjic et al. on the 18th day of April, 2000, and assigned to Gilead Sciences, Inc. by

virtue of assignments recorded in the United States Patent and Trademark Office on the 17th day of November 1997, at Reel 008887, Frame 0898 and the 18th day of February, 2001 at Reel 011566, Frame 0868.

Eyetech Pharmaceuticals, Inc. is, and was during the regulatory review period for this product, the licensee of Gilead Sciences, Inc. with respect to this patent as it applies to this product.

Date: 31 January 2005

Respectfully submitted,
Eyetech Pharmaceuticals, Inc.

By: Douglas H. Altschuler

Douglas H. Altschuler
Senior Vice President,
General Counsel and Secretary

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