IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
BURNETT, Daniel R.

Appl. No.: 10/826,237

Filed: April 17, 2004

For: IMPLANTABLE FLUID MANAGEMENT SYSTEM FOR THE REMOVAL OF EXCESS FLUID

San Diego, California

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97 (c)

Dear Sir or Madam:

In accordance with 37 C.F.R. § 1.56, Applicant makes the documents, listed on the enclosed form PTO/SB/08, of record in the above-identified application. In accordance with 37 C.F.R. § 1.97, this statement is not to be construed as a representation that a search has been made, and is not a representation that the information cited is effective as prior art to the application or is material to patentability.

It is respectfully requested that these documents be (1) fully considered by the U.S. Patent and Trademark Office in the examination of the above-identified application; and

CERTIFICATE OF MAILING

I hereby certify that this correspondence and anything being referred to as enclosed herein is being deposited with the United States Postal Service via First Class Mail with sufficient postage in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 8th day of March, 2007.

Signature:
Complete if Known

<table>
<thead>
<tr>
<th>Application Number</th>
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<td>First Named Inventor</td>
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<td>Examiner Name</td>
<td>WIEST, Philip R.</td>
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<tr>
<td>Art Unit</td>
<td>3761</td>
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<td>Attorney Docket No.</td>
<td>NOVA-4</td>
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**TOTAL AMOUNT OF PAYMENT** ($) 230.00

**METHOD OF PAYMENT** (check all that apply)

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- Deposit Account
  - Deposit Account Number: 50-2298
  - Deposit Account Name: Luce, Forward, Hamilton & Scripps LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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**FEE CALCULATION**

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

**FILING FEES**

- **Utility**: 300 Small Entity $150, Search Fees $500, Examination Fees $200
- **Design**: 200 Small Entity $100, Search Fees $50, Examination Fees $130
- **Plant**: 200 Small Entity $100, Search Fees $150, Examination Fees $160
- **Reissue**: 300 Small Entity $150, Search Fees $250, Examination Fees $600
- **Provisional**: 200 Small Entity $100, Search Fees $0, Examination Fees $0

**SEARCH FEES**

- **Small Entity**: $500
- **Moderate Size Entity**: $300

**EXAMINATION FEES**

- **Small Entity**: $250
- **Moderate Size Entity**: $150

**Fees Paid ($)**

- **Small Entity**: $50, $25
- **Moderate Size Entity**: $100
- **Small Entity**: $65
- **Moderate Size Entity**: $80

### 2. EXCESS CLAIM FEES

- **Each claim over 20 (including Reissues)**
  - Small Entity $50, Moderate Size Entity $25
- **Each independent claim over 3 (including Reissues)**
  - Small Entity $200, Moderate Size Entity $100
- **Multiple dependent claims**
  - Small Entity $360, Moderate Size Entity $180

**FEES PAID ($)**

- **Small Entity**: $250, $100
- **Moderate Size Entity**: $150

### 3. APPLICATION SIZE FEE

- **Total Sheets**
  - Small Entity **Number of additional 50 or fraction thereof**
  - Moderate Size Entity **Number of additional 50 or fraction thereof**

### 4. OTHER FEE(S)

- **Non-English Specification**: $130 fee (no small entity discount)
- **Other (e.g., late filing surcharge)**: IDS before final under 37 CFR $1.113

**FEES PAID ($)**

- **$180.00**

**SUBMITTED BY**

**Signature**

**Name (Print/Type)**

**Registration No.**

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(2) printed on any patent which may issue on this application. It is also respectfully requested that a copy of Form PTO/SB/08, as considered and initialed by the Examiner, be returned to the undersigned with the next communication in accordance with M.P.E.P. § 609.

Pursuant to 37 C.F.R. 1.97(c), this Information Disclosure Statement is filed before the mailing date of the final action under 37 CFR §1.113, therefore, please charge our Deposit Account No. 50-2298 in the amount of $180.00 00 under 37 CFR 1.17 (p). We request any underpayments or overcharges being charged to Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP.

Respectfully submitted,

Franco A. Serafini
Attorney for Applicant(s)
Reg. No. 52,207
c/o LUCE, FORWARD, HAMILTON & SCRIPPS LLP
11988 El Camino Real, Ste. 200
San Diego, California 92130
Telephone No.: (858) 720-6300

MARCH 19, 2007
Date
Complete if Known

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### U.S. PATENT DOCUMENTS

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<thead>
<tr>
<th>Cite No.</th>
<th>Document Number</th>
<th>Publication Date</th>
<th>Name of Patentee or Applicant of Cited Document</th>
<th>Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear</th>
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<tr>
<td>US-11/198,079</td>
<td>08/04/2005</td>
<td>BURNETT, Daniel R.</td>
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<td>US-11/181,539</td>
<td>07/13/2005</td>
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<td>US-10/700,863</td>
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<td>BURNETT, Daniel R.</td>
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<td>02/21/2003</td>
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### FOREIGN PATENT DOCUMENTS

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<tr>
<th>Cite No.</th>
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<th>Name of Patentee or Applicant of Cited Document</th>
<th>Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear</th>
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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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