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(71) Applicant (for all designated States except US): **BANNER PHARMACAPS, INC.** [US/US]; 4100 Mendenhall Oaks Parkway, Suite 301, High Point, North Carolina 27265 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **HASSAN, EmadEldin M.** [EG/EG] (EG). **CHIDAMBARAM, Naciappan** [IN/US]; 4001 River Pointe Place, Apt. 3D, High Point, North Carolina 27265 (US). **FATMI, Aqeel, A.** [US/US]; 3809 Camden Falls Court, Greensboro, NC 27410 (US).

(74) Agents: **HICKS, Jack, B.** et al.; Womble Carlyle Sandridge & Rice PLLC, One Atlantic Center; Ste. 3500, 1201 West Peachtree Street, Atlanta, Georgia 30309 (US).

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Declarations under Rule 4.17:

— as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ,

CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW, ARIPO patent (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

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— as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations

— as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations

[Continued on next page]

(54) Title: CONTROLLED RELEASE PREPARATIONS

(57) Abstract: Controlled release preparations and capsules are provided. Also provided are emulsions and suspensions, including compositions and methods of manufacturing controlled release capsules, where the fill contains a suspension and/or an emulsion.

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- *as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations*

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

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A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K9/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
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| | | -/- |

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

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- "P" document published prior to the international filing date but later than the priority date claimed

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European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Boulois, D

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

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INTERNATIONAL SEARCH REPORTInternational Application No
PCT/US2004/022456**C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/022456

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-11, 32-39, 40-42, 43-46 (ALL PARTIALLY)

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-11 32-39 40-42 43-46 (all partially)

a capsule comprising a shell and one phase matrix systems wherein the matrix fill comprises an active ingredient or drug incorporated as solid particles in lipid or lipophilic materials

2. claims: 1-11 (partially) 12-28 29-31 (entirely) 32-39 40-42 43-46 (partially) 47 (entirely):

a capsule having a shell and a matrix fill comprising an active ingredient or a drug, wherein the matrix fill comprises two phases in the form of an emulsion.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/022456

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