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REMARKS AND RESPONSE TO
RESTRICTION/ELECTION REQUIREMENT

Applicant hereby elects Group I (claims 1-11) without traverse.

Applicant thanks Examiner Ponnaluri for extending the courtesy of the brief telephone call held July 29, 2003, during which the Examiner clarified the species requirement.

Applicants elect (a) gene expression; (b) troglitazone and erythromycin; and (c) hepatic toxins. Claims readable on the elected species include claims 1, 2, 3, 6, 7, and 8.

Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 441472000110. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: July 29, 2003

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