

# CURRENT PATENTS GAZETTE



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ISSN 1464-3499

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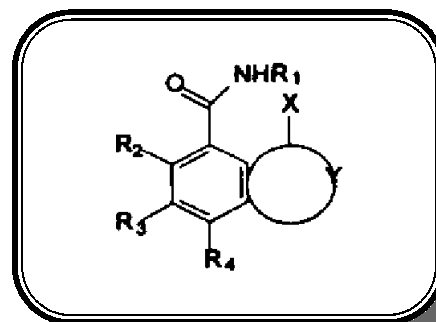
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## DRUG PATENTING IN CONTEXT

Current Patents *Gazette* is the most rapid competitive intelligence service covering innovation in the pharmaceutical industry. Patent applications published during the past week have been classified and analysed, in order to place the inventions in context. For the most crucial innovations, those involving new chemical compounds, additional information is given in the form of front page images. These can be enlarged to show details of chemical structures and inventor teams, for example. Applications filed jointly, representing collaborative research, are highlighted, as are sequences of inter-related documents.

**Guilford Pharmaceuticals continues to build its impressive portfolio of poly(ADP-ribose) polymerase (PARP) inhibitors with two new applications covering carboxamide and fused tricyclic compounds with this activity.**



## HIGHLIGHTS THIS WEEK

**For the first time this week**, in response to readers' suggestions, we are highlighting relevant **European patents** which have been **granted**. The majority of publications covered in the *Gazette* were filed as **PCT (WO) applications**, many of which (about 70%) subsequently pass to national and regional patent offices for examination and, ideally, grant. By no means all published applications proceed to grant, and even those that do may have rather narrower claims than those originally filed. Certainly this is often the case with very broad claims to emerging technologies, such as transgenics or combinatorial synthesis. Our intention is not to cover granted European patents comprehensively, but simply to draw attention to cases which appear important and may repay further study. Our comments will either appear here on the front page (as this week) or on a panel between Sections inside (with a front page note of their location).

**Electrotransport drug delivery** is the subject of **Alza Corp's** EP824342B, published originally as WO9634597; lidocaine and fentanyl are among the drugs for which Alza's ETS delivery technology is under consideration. A **D-glucitol derivative for hepatitis B therapy** is claimed by **Searle/Monsanto** in EP739205B (WO9519172), though it is clear that this invention originates from **Oxford University's Glycobiology Institute**. Another carbohydrate invention appears in EP495091B (WO9202214), in which **Metabasis Therapeutics** claims **AICA riboside analogues**. **Regeneron** has claims in EP666756B (WO9406455) to the use of **neurotrophins to produce analgesia**, of possible relevance to the collaborative development arrangements with **Glaxo, Amgen and Takeda**. Granted claims to novel compounds are few, an exception being **Boehringer Ingelheim's** EP528369B, one of a very long series claiming **amidino biaryl derivatives as platelet aggregation inhibitors**. It may be significant that the biotech cases generally take longer to achieve grant than those relating directly to chemistry. An example is **Perkin-Elmer's** EP553247B (WO9208117), filed first in the Netherlands **almost ten years ago** with claims to a **method of determining a genotype**; only a little younger is the **Salk Institute's** patent (EP666864B/WO9307166) covering a technique for **detecting a polymorphic locus**.

**Following the publication of seven Guilford applications** in March (WO99116322, etc) describing novel polycyclic inhibitors of **poly(ADP-ribose)polymerase (PARP)**, two more have now appeared. These latest publications coincide with the **reissue** of an earlier US patent on the subject now assigned to Guilford. **US5587384** first issued to **Johns Hopkins University** and the **US Government** on December 24th 1996; it was based on a February 1994 application, and is equivalent to WO9520952. Clearly Guilford is building an impressive PARP inhibitor patent portfolio; **GPI-6000** is in preclinical studies for stroke, and promising data for occlusion models were presented at a recent Society for Neuroscience meeting.

**Last week Genentech** agreed to pay \$200 million to settle a patent infringement lawsuit, over the alleged use of human growth hormone DNA taken 20 years ago from **University of California in San Francisco (UCSF)** (*Nature* 402, 335; 1999). The settlement is the largest such payment in a biotechnology case, but a joint statement by the university and the company noted it is not an admission of patent infringement. The University sued Genentech nearly a decade ago, claiming that a 'theft' in 1978 of growth hormone DNA was key to the firm's development of its blockbuster growth-hormone drugs. The company acknowledged receiving the growth hormone DNA, but insisted that it had not been used to produce its drugs. After a trial last June, a unanimous verdict on whether the University's patent had been infringed was not reached, and a retrial was set for January (*Nature* 399, 512; 1999). The scientist in question, Peter Seeburg, (who is now at the **Max Planck Institute for Medical Research** in Cologne) remains under investigation for possible scientific misconduct 20 years ago. The settlement includes a Genentech contribution of \$50 million towards the construction of a research building on UCSF's developing Mission Bay Campus.