

# CURRENT PATENTS GAZETTE



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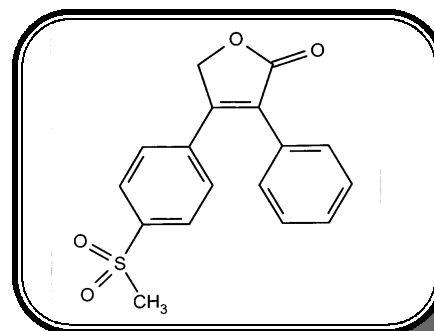
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## DRUG PATENTING IN CONTEXT

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.

**Merck & Co's Cox 2 inhibitor rofecoxib is the subject of a ruling from the UK Patents Court in which it appears that the company has successfully resisted an action for infringement from Searle**



## HIGHLIGHTS THIS WEEK

**A judgement from the UK Patents Court** on February 4th seems to have important implications for the first companies to bring selective cyclooxygenase-2 (COX2) inhibitors to the antiinflammatory market. Although not all of the details of the decision are yet public, it seems that **Merck & Co** has succeeded in resisting an action for infringement by **Searle**, in relation to **rofecoxib**. This antiarthritic was launched in June 1999 as **Vioxx**, but Searle by then had already given notice of intentions by opposing grant of the relevant Merck patent, **EP705254**. Searle's rival product, celecoxib, was launched as **Celebrex** in January 1999, jointly with **Pfizer**. Although the two products have the same mode of action, celecoxib's pyrazole template (WO9515316) is quite distinct from rofecoxib's furanone. The problem is that both companies were claiming broad groups of heterocyclic COX2 inhibitors as they sought to optimize their initial lead compounds, and both have backup candidates in advanced clinical development, based on other template heterocycles.<sup>56</sup>

**A mis-spelling in the official title** of a natural product case gives the initial impression that **Takeda** has succeeded in extracting a totally new therapeutic substance, indolemycin, from a microorganism. However, a more thorough search reveals that the same substance is named in a 1986 **Ajinomoto** US patent, in such an off-hand way as to suggest that it is a well-known compound. That indeed turns out to be the case, since indolmycin (sic) has an entry in the Merck Index, supported by a reference to a 1961 UK Pfizer patent. This compound is known to be effective against *Helicobacter pylori*, and **SmithKline Beecham** has used it as the model for construction of a series conformationally constrained derivatives, including SB-219383.

**Several times during the past year** we have been tempted to comment on the use of the name **Aventis** on newly published patent applications, coinciding with the new name selected by the merging **RPR** and **HMR** giants. However, until this week these have all been false alarms, referring to the bulk chemicals arm of **Hoechst**, formally patenting in the existing name of **Aventis Research & Technologies GmbH & Co KG**. Now for the first time, on an applications describing calcium sensing receptor isoforms, we see the applicant name **Aventis Pharmaceuticals Products Inc**, from the company's Collegeville site in Pennsylvania.

**Guidelines on research tools** issued recently by the **US NIH** came under fire last week from representatives of several small biotechnology companies at a symposium on intellectual property organized by the **National Academy of Sciences** (*Nature* **403**, 582; 2000). The guidelines advise researchers in general who use NIH money to generate tools - such as reagents and new transgenic technologies - against demanding 'reach-through' rights that claim future intellectual property on products generated from a tools use. However, Robert Blackburn, vice-president and chief patent counsel of **Chiron** (California), said that biotech companies need both reach-through rights and licensing arrangements - without compensation for their intellectual property, they would have a difficult time surviving.

**Legislation to tighten up** the supervision of federally funded **human gene-therapy trials** was introduced into the US House of Representatives last week (*Nature* **403**, 583; 2000). Under the legislation, authority for monitoring Federally funded human clinical trials would be transferred from the Office for Protection from Research Risk, under the **US DHHS**, to an independent agency. The move occurred on the day that a Senate subcommittee hearing examined the problems of monitoring such trials. The hearing was triggered by the case of **Jesse Gelsinger**, the Arizona man who died four days after receiving experimental gene therapy at the **University of Pennsylvania**. The Gelsinger case revealed a failure to report adverse events in gene-therapy.