

CURRENT PATENTS GAZETTE



www.current-patents.com

ISSN 1464-3499

CONTENTS

Section A

New Compounds- novel entities, with images of front pages adding valuable additional information

Section B

New Uses, Formulations & Methods of Treatment- developments extending and enhancing the utility of existing products, including diagnostic and analytical applications

Section C

Chemical Processes and Combinatorial Technology- inventions concerned with efficient generation of candidates for screening, and with scale-up of laboratory syntheses in support of development activity

Section D

Biotechnology- molecular biology, nucleic acids, proteins, transgenics and gene therapy

Section E

Devices and Equipment- non-chemical or mechanical based invention with relevance to the industry

Whilst every effort is made to ensure the accuracy of information included in this Gazette, no responsibility will be taken for any errors which may occur, or for their consequences

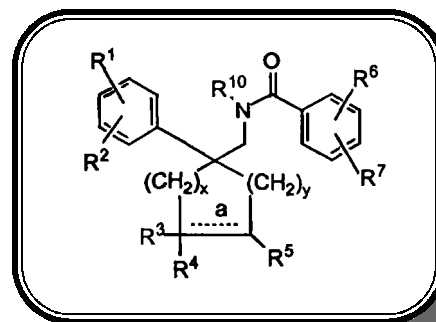
No part of this publication, apart from front page images, may be reproduced without prior permission of the copyright owner.

© Current Patents Ltd, 2000

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.

This Week sees Merck & Co continuing to expand several established development programs with 10 new applications with a range of new compounds and formulations, including three with claims to carbocyclic, benzamide and heterocyclic potassium channel inhibitors, class III anti-arrhythmic agents (P. 7)



HIGHLIGHTS THIS WEEK

At an excellent meeting of the Patent Information Users Group last week there was further news of forthcoming US patent law changes. The conference in Crystal City, close to the USPTO, heard from Lyon & Lyon's Ric Henschel about the American Inventors Protection Act of 1999, which was enacted last November. For patent information specialists the most important provision is one resulting in publication by default 18 months after filing. This applies only to regular (non-provisional) applications, and may be avoided by certifying that there has not been a corresponding filing in an 18-month publishing country. No-one is absolutely certain how this will work in practice, though it does seem that most of the resulting US published applications will be equivalent to simultaneous publications elsewhere, typically PCT applications. It is possible that if the US documents appear strictly on schedule there will be a sharp upturn in the number of US "basics", since the US publication day is Tuesday rather than Thursday, but in any case the first documents affected by this new provision are not due to appear before May 2001. We at Current Patents will be watching the implementation of the new procedure closely, and will of course process whichever document first reveals a new invention. The change could have far-reaching effects on document supply arrangements, since US patents are currently available free of charge on the very efficient USPTO website, typically by around midday each Tuesday, EST. This is in sharp contrast with PCT specifications, which never arrive in the UK before mid-morning on a Friday, and are not normally available from suppliers such as MicroPatent before the next Tuesday. In effect many inventions might be disclosed a whole week earlier than under the present systems. One possibility however is that WIPO will react to the change by sharpening up its own publication procedure, ensuring that applications are actually received by libraries and other users on Thursday; the present ruling is that they may only be dispatched on the formal publication date.

Antiviral compositions are the cause of a recently reported conflict between an established Pennsylvania-based company and a substantial privately owned European group. Hemispherx Biopharma, formerly known as HEM Pharmaceuticals, commenced legal action in the EU this week against Beaufour Ipsen for patent infringement with respect to the use of polyadenur (Ampligen™) in hepatitis treatment. The exemplification in Beaufour's WO9907409 describes clinical properties of the claimed invention and uses polyadenur. The specification acknowledges Hemispherx' Ampligen™. This appears to be the activity, which has prompted the infringement action. There can be no formal patent challenge in Europe until the case is granted, but at present it has not even entered the regional phase. The claimed invention, in narrow terms, is the use of polyadenur in combination with interferon in the treatment of hepatitis B and C. The polyadenur product patent has expired, so the infringement must be based on a later patent covering Europe. The obvious candidate is Hemispherx' EP300680, referred to in the Beaufour specification, the granted claims of which broadly could include treatment of an inflammatory disorder caused by hepatitis B using a combination of polyadenur and an interferon.

This week, Genzyme Transgenic has published an application relating to the creation of transgenic and cloned mammals, with particular mention to transgenic goats. The company has already developed transgenic mice and goats producing human antithrombin III and glutamic acid decarboxylase for the treatment of thrombosis and insulin-dependent diabetes respectively. This month, in agreement with Abgenix, it has agreed to develop transgenic goats producing the human antibody ABX-IL8 in their milk. ABX-IL8 is currently in phase II clinical trials for the treatment of psoriasis.