

Current Patents Gazette

Patenting in Context

News & Highlights from week 0805

The UK Patents and Designs Journal (PDJ 6193) this week reports the filing of the first five SPC applications of 2008. Regular readers of the Current Patent Gazette will note that the first four applications have already been reported in previous editions of the Gazette, 0802 and 0804. The fifth application has been filed by **Schering Corp** on **EP1110543** and seeks extended protection for the combination of **desloratadine** and **pseudoephedrine**, marketed as **Aerinaze** in Europe and **Clarinox-D** in the US. If granted this SPC will expire July 29, 2022.

Also announced this week, was the deposit on January 29 by France of its instrument of ratification for the **London Agreement**, which will now enter into force on May 1, 2008. Parties to the London Agreement undertake to waive, entirely or largely, the requirement for translations of European patents to be filed in their national language. This means in practice that applicants will no longer have to file a translation of the specification for patents granted for an EPC Contracting State party to the London Agreement and having one of the three EPO languages as an official language. Where this is not the case, they will be required to submit a full translation of the specification in the national language only if the patent is not available in the EPO language designated by that country. States having a national language in common with one of the official languages of the EPO, such as

France, Germany, the United Kingdom and Switzerland, will dispense with translation requirements altogether. States having no national language in common with one of the EPO official languages can require that a translation of the patent claims into one of its official languages be supplied. The Netherlands, Sweden and Denmark, for instance, will require that the claims of the European patent be supplied in their official language. In addition, they will require that the description of the patent be supplied in English. The aim is to achieve a reduction in costs that will encourage enterprises to pursue patent protection and promote innovation. To enter into force the agreement needed ratification by 8 states, including The UK, France and Germany. The deposit of France's instrument of ratification was the final trigger needed.

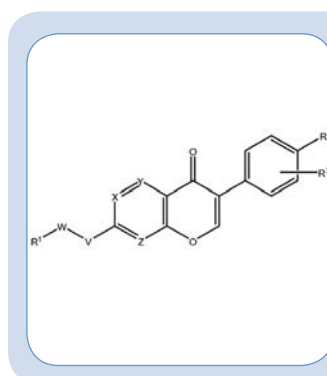
BTG International has filed an initial application disclosing a **treatment of neuro-degenerative conditions** (GB0724618). The application appears to be a continuation of **WO2005018632** which is particularly focussed on multiple sclerosis employing a **lipid glyceride**, eg γ -linolenic acid, dihomo- γ -linolenic acid and arachidonic acid, and appears to be based on work conducted by **Univ Greenwich and Guy's, King's College and St Thomas' Hospitals**. **Laurence Harbige** and his group at Greenwich appear to be key players. Similar work has also been reported by this team for BTG in **WO2004100943**.

ProCure Therapeutics is applying for patent protection (GB0724569) for **cancer stem cell markers**. This follows on from **WO2007012811**, which was also concerned with stem cell markers, particularly in the context of prostate cancer. Precursors to these inventions from the **University of York** spin-out are applications filed originally by the university itself, including **WO2005089043** and **WO03014334**, now both formally assigned to the company. The most recent filing joins several others, all with similar titles, now pending at the **UK IP Office** or awaiting publication by **WIPO** as PCT applications.

Psynova Neurotech is seeking patent protection for **methods and biomarkers for diagnosing and monitoring psychotic disorders** (GB0724735). The application claims additional priority and therefore may see publication earlier than would otherwise be expected. Psynova, incorporated in August 2005, was founded by **Dr Sabine Bahn and Prof Chris Lowe** of **Cambridge University**. The company has

close links with to the **Cambridge Centre for Neuropsychiatric Research** (CCNR) and is seeking to commercially exploit the CCNR Biobank of clinical samples and the PsyData database to identify novel biomarkers for schizophrenia and bipolar affective disorder. In June 2007, Psynova Neurotech won an award in the Medical Futures Innovation Awards for a blood test to diagnose mental health diseases such as depression or schizophrenia.

Asterion has lodged two new applications claiming prolactin antagonists (GB0724654) and agonists (GB0724656). This University of Sheffield spin out specializes in engineering hormone agonists and antagonists for the potential treatment of cancer, rheumatoid arthritis and diabetes with a particular focus on therapies involving cytokine agonists and antagonists. The company has previously claimed a series of cytokine ligand polypeptides with a similar activity against prolactin in WO2005003165 and WO2006010891



First patenting to emerge from CV Therapeutics on aldehyde dehydrogenase 2 inhibitors (ALDH2).

UK Initial Applications

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A0 applications filed December 17th - December 23rd 2007 – expected to see publication in mid-June 2009

• **Artelis** has filed for protection of a **recipient for cell cultivation** (GB0724655). The company, based in Brussels on **Solvay Group's** R&T site, was established in August 2005 focussing on the development of a single-use disposable bioreactor. Artelis specialises in the design, development and manufacturing of disposable mixing systems for use in the biopharmaceutical industry and the development of proprietary high-cell-density technology, useful in scaling up single-use bioreactors while keeping volumes as small as possible. The company's website reports that Artelis has six patent applications currently pending.

• **Eldrug** has filed an initial application covering **peptide analogues and their conjugates** (GB0724878). This follows on from two previous UK filings (GB0714603 and GB0714995) covering '**compounds**'. Little is known about this Greek company, although it appears to be a spin out from **Univ Patras** linked to **Drs John Matsoukas, George Angelis and Theodore Tselios** from the university's Department of Chemistry. This team have recently given a presentation at the Institute of Chemical Engineering & High Temperature Chemical Processes (ICEHT) discussing drug discovery and design with specific reference to peptides and peptide mimetics.

• **Fermentas UAB** is seeking patent protection for a **transfection reagent** in GB0724253. Although this Lithuanian institution has

apparently been filing patent applications for almost two decades, originally as **Biotechnologijos Institutas "Fermentas"**, this has so far seldom been on a truly international basis with cover generally extended to Europe at best. The company's extensive range of biotech reagents and ancillary materials already includes transfection tools, including ExGen 500, used for example in conjunction with fluorescein-labeled supercoiled DNA. Despite the national and regional scope of most of the company's patenting to date, it does however operate internationally through a network of local companies and dealerships, some using recognizably related names. The name **MBI Fermentas** is used in Germany and Austria for example, and a lone instance of PCT filing appears in the same name as **WO0234939**, suffixed "Inc" by the Canadian subsidiary, but in fact based on the work of an inventor in Singapore. The name Fermentas is sometimes used, but all of these variants seem to leave a trail leading back to the parent institution, originally Soviet, in Vilnius.

• **Golden Biotechnology Corporation** of Taiwan has lodged three applications claiming **cyclohexenone derivatives isolated from Antrodia camphorate and their use in liver protection** (GB0724748), **autoimmune diseases** (GB0724750) and the **inhibition of hepatitis B virus** (GB0724754). All three applications cite additional Taiwanese priorities and

therefore may see publication earlier than expected. The company, founded in 2002, has developed microbiological and fermentation techniques to expedite cultivation of *Antrodia camphorate*, a TCM fungus found in Taiwan, and identified its tumor-inhibiting properties for cell lines including prostate, liver and breast cancer. The company is reported to be seeking to outlicense the drug while applications have been made for Taiwan Phase II clinical trials and FDA registration.

• **Heptares Therapeutics** has filed an initial application entitled '**screening**' (GB0724860). This company is a spin out of Cambridge's **MRC Laboratory of Molecular Biology (LMB)** and was incorporated in June 2007. Heptares initial focus appears to be structural studies of G-protein coupled receptors in the design and development of drugs for CNS and metabolic disorders. The company was founded by **Richard Henderson and Chris Tate**, based on their work at the LMB, together with **Malcolm Weir (CEO)** and **Fiona Marshall (CSO)**. Additional expertise is contributed by a wider group of MRC scientists, including **Gebhard Schertler**, and **Ed Hulme** of the **National Institute for Medical Research**.

• **Katholieke Universiteit Leuven (KUL)** is patenting **compositions of clotrimazole and its analogs, and their use** (GB0724523). Neither the university nor the associated **Rega Institute** seems to have

taken any great interest so far in further innovation involving this 1960s Bayer antifungal. However, the December 17th filing of this UK initial patent application came just a few days before publication of research in the January 16 2008 issue of the Journal of Neuroscience concerning suppression of the neurological side-effects of clotrimazole. This detailed work on transient receptor potential (TRP) channels in primary sensory neurons was conducted jointly by scientists at KUL and at the Alicante Neurosciences Institute at Miguel **Hernandez University** in Spain. This timing makes it quite likely that KUL wished to secure patent protection for the findings about to be disclosed.

• **Queen Mary & Westfield College of the University of London (QMUL)** has filed (GB0724556) with claims to a **latency-associated protein (LAP) construct with an aggrecanase-sensitive cleavage site**. Though seven years has elapsed, this seems to be a sequel to fusion protein work carried out by Professor Yuti Chernajovsky, who became Director of the **Arthritis Research Campaign (ARC)** Bone and Joint Research Unit at the William Harvey Research Institute in 1999 (see **WO02055098**). The QMUL Chair is sponsored by the ARC and work in this field led in July 2002 to the spin-off of **Stealthyx Therapeutics**, whose **ProThyx** drug delivery technology is aimed at stabilizing both protein therapeutics and, ultimately, small molecules.