005

PCT

Industria y Comercio

SUPERINTENDENCIA

SOLICITUD

PATENTE DE INVENCIÓN

21. **EXPEDIENTE Nº** 10-554011

54. **TÍTULO** **SUSPENSIÓN PEDIÁTRICA ESTABILIZADA DE CARISBAMATO.**

51. **CLASIFICACIÓN INTERNACIONAL** A61K 9/00

71. **SOLICITANTE** **JANSSEN PHARMACEUTICA N.V.**

DOMICILIO Beerse, Bélgica.

74. **APODERADO** DILIA MARIA RODRIGUEZ D´ALEMAN

22. **BOGOTÁ, D.C.**

31-05-2010

Industria y Comercio
SUPERINTENDENCIA

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
No. 10-055401- -00000-0000
Fecha: 2010-05-10 15:44:42 Dep: 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Cva. 378 FASENACIONALI
Act. 411 PRESENTACION Folios: 51

FORMULARIO ÚNICO DE SOLICITUD DE PATENTE
PCT
ENTRADA EN FASE NACIONAL

1 SOLICITUD DE:

[x] Patente de Invención [ ] Patente de Modelo de Utilidad

[x] Capitulo I [ ] Capitulo II

2 SOLICITANTE (71)	Nombre: **JANSSEN PHARMACEUTICA N.V.** Dirección: Turnhoutseweg 30, B-2340 Beerse, Bélgica. Nacionalidad o Domicilio: Beerse, Bélgica. Lugar de Constitución : Bélgica Teléfono: Fax: E-mail	**IDENTIFICACIÓN** **C.C.** [ ] **NIT** [ ] **C.E.** [ ] **Otro** [ ] **Número**
3 REPRESENTANTE O APODERADO (74)	Nombre: DILIA MARIA RODRIGUEZ D´ALEMAN Dirección: Cra. 11 No. 86-53 piso 6 Teléfono: 6 162051/61 Fax: 6 161889 E-mail: clarkemodet@clarkemodet.com.co	**IDENTIFICACIÓN** C.C. [x] NIT [ ] C.E. [ ] Otro [ ] **Número** 41.654.882 **T.P** 20824 CSJ
4 INVENTOR (ES) (72)	Nombre: **VER HOJA ANEXA** Dirección: Nacionalidad o domicilio:	

5 PCT (86)

Solicitud Internacional No. **PCT/IB2008/003331** Fecha **31 de octubre de 2008**

Publicación Internacional No. **WO 2009/056980 A1** Fecha **07 de mayo de 2009**

6 TITULO (54) **SUSPENSIÓN PEDIÁTRICA ESTABILIZADA DE CARISBAMATO.**

7 Clasificación Internacional (51) A61K 9/00

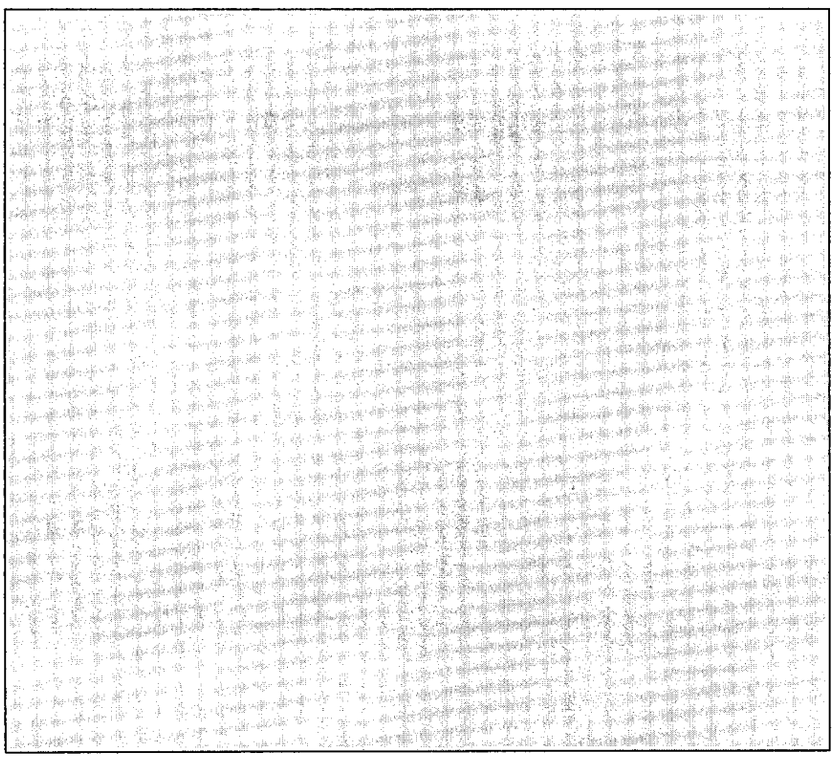
8 Prioridad SI [x] NO [ ]	(33) País de Origen	(32) Fecha	(31) Número de Solicitud
	Estados Unidos de América	**31 de octubre de 2007**	60/984,144

9 Comprobante de pago No. **10 - 24,881** **Fecha** **5 de abril de 2010**

10 ANEXOS

- [x] Comprobante de pago de la tasa de presentación de la solicitud
- [x] Documento que acredita la existencia y representación legal cuando el solicitante sea persona
- [x] Poderes si fuere el caso
- [ ] Documento de cesión del inventor al solicitante o a su causante
- [ ] Declaraciones
- [x] Copia de la solicitud internacional. (Resumen, descripción, reivindicaciones, dibujos)
- [x] Traducción de la solicitud internacional al castellano. (Resumen, descripción, reivindicaciones, dibujos)
- [ ] Copia del examen preliminar internacional efectuado por la Autoridad Internacional de Examen Preliminar (IPEA).
- [ ] Traducción del examen preliminar internacional efectuado por la IPEA
- [ ] De ser el caso copia de contrato de acceso.
- [ ] De ser el caso, documento que acredite la licencia o autorización de uso de conocimientos tradicionales de las comunidades indígenas
- [ ] De ser el caso, certificado de deposito del material biológico
- [ ] Arte final 12 X 12 .
- [ ] De ser el caso, información sobre otras solicitudes de patente o títulos obtenidos en el extranjero por el mismo titular o su causante, relacionadas parcial o totalmente con la invención de esta solicitud.
- [ ] De ser el caso, modificaciones efectuadas a la solicitud internacional
- [x] Otros *Opinión escrita.

11 FIGURA CARACTERÍSTICA



12 Solicito la concesión de la patente

NOMBRE: DILIA MARIA RODRIGUEZ D´ALEMAN

FIRMA:

C.C. 41.654.882 **T.P. 20824** CSJ

As. P-2562

ANEXOS

INVENTORES

1.) **EMBRECHTS, Roger**
(J&J PRD, Turnhoutseweg 30, B-2340 Beerse, Bélgica);

2.) **DE LEERSNIJDER, Cedric**
(J&J PRD, Turnhoutseweg 30, B-2340 Beerse, Bélgica).

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 10 - 24,981
FECHA : ABRIL 5 DE 2010

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

No. 10-055401- -00000-0000

Fecha: 2010-05-10 15:44:42 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Lve: 378 FASENACIONALI
Act. 411 PRESENTACION Folios: 51

***** C O N S I G N A C I O N *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	353190121	31/03/2010	94,780,000.00

***** C O N C E P T O *****

CANT.	RENTISTICO	CONCEPTO		TOTAL CONCEPTO
1	50005-01-01 SOLICITUDES	1 TRAMITES DE SOL. DE PATENTE DE IN		554,000.00
		TOTAL :	$	554,000.00

SON: QUINIENTOS CINCUENTA Y CUATRO MIL PESOS

RESPONSABLE _____

RECIBO DE CAJA APLICADO AL EXPEDIENTE No._____

P-2562
3

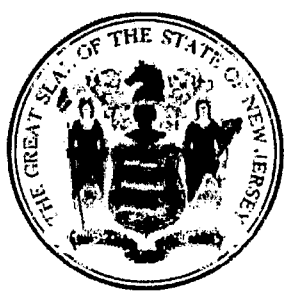
APOSTILLE

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

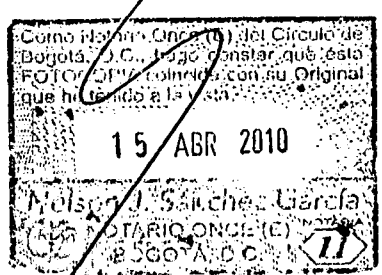
1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
   AMANDA LIN HAYNES
3. ACTING IN THE CAPACITY OF:
   NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
   AMANDA LIN HAYNES, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 24TH DAY OF JUNE 2009
7. BY: R. David Rousseau, NEW JERSEY TREASURER
8. NO: A367051
9. SEAL/STAMP:
10. SIGNATURE



Certificate Number: 1146991910
Verify this certificate at
https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp



Clarke, Modet & Cº
COLOMBIA

COLOMBIA

Carrera 11 11º 86-53 Piso 6 Bogotá Colombia Tel: (57 1) 6181022 Fax: (57 1) 6350824 Email: info@clarkemodet.com.co

PODER

Yo (nosotros), abajo firmante(s)

en mi (nuestro) carácter de representante(s) legales de JANSSEN PHARMACEUTICA NV

una sociedad organizada y existente de acuerdo con las leyes de

y en actual cumplimiento de su objeto social, con domicilio en **Turnhoutseweg 30, B-2340 Beerse, Bélgica.**

por el presente instrumento confiero (conferimos) poder especial a favor de DILIA MARIA RODRIGUEZ D'ALEMAN, con Cédula de Ciudadanía No. 41.654.882 de Bogotá, y tp. 20824 y CLAUDIA LUCIA CAPO RAMIREZ, con Cédula de Ciudadanía No. 40.017.374 de Tunja, y tp. 36448, con domicilio en Bogotá, Colombia, para que actuando en su orden en nombre del (de la) otorgante le (la) representen ante cualquier entidad, autoridad y/o persona, especialmente ante las del orden Administrativo, Contencioso Administrativo, Judicial, Tribunales de Arbitramento y/o cualquier otro en lo referente a los siguientes asuntos:

1) Solicitar, tramitar, obtener y/o registrar cualquiera de las modalidades de Propiedad Industrial, tales como: patentes de invención, modelos de utilidad; diseños industriales, variedades vegetales; marcas, lemas, nombres y enseñas comerciales y denominaciones de origen así como sus renovaciones, prórrogas, transferencias, cambios de nombre y/o domicilio, contratos y licencias.
2) Solicitar, tramitar, obtener y/o registrar derechos de autor, en cualquiera de sus presentaciones así como la protección de secretos industriales y know-how.
3) Solicitar, tramitar, obtener y/o registrar registros sanitarios, permisos y/o licencias de funcionamiento; así como sus renovaciones o prórrogas, transferencias, cambios de nombre y/o domicilio, contratos y licencias.
4) Ejercer acciones de oposición, observación, reclamos, reconsideración, reposición, apelación, cancelación administrativa o judicial, nulidad, protección al consumidor, concesión de licencias, protección de secretos industriales y demás acciones y recursos relacionados con derechos derivados de los asuntos arriba indicados y en contra de la competencia desleal, acciones derivadas de la obtención o explotación de licencias, acciones de indemnización de perjuicios. También podrá(n) intervenir en juicios civiles, comerciales, penales, contencioso-administrativos, tutelas y de policía; en acciones o juicios promovidos por el (la) mandante o en contra el (ella) .
5) Registrar nombres de dominio ante la entidad competente.
6) En el ejercicio de este mandato los mandatarios arriba mencionados quedan facultados para: conciliar, cancelar, transigir, comprometer en árbitros, desistir, recibir y tomar posesión de la cosa objeto de litigio y renunciar o desistir a derechos concedidos o en curso de concesión, admitir los hechos del proceso.
7) Ratificar o no la agencia oficiosa.
8) Así mismo faculto (facultamos) a los mencionados apoderados para recibir notificaciones y designar apoderados judiciales o extrajudiciales, sustituir el presente poder y revocar las sustituciones que hicieren.

Dado y firmado en

a los días de

POWER OF ATTORNEY

I (we) the undersigned PETER L HERRIDGE

legal representative(s) of de JANSSEN PHARMACEUTICA NV

an organization existing under the laws of BELGIUM

and in present execution of its business activity, domiciled **Turnhoutseweg 30, B-2340 Beerse, Belgium.**

do hereby grant POWER OF ATTORNEY to DILIA MARIA RODRIGUEZ D'ALEMAN, identification card No. 41.654.882 of Bogotá, and tp. 20824 and CLAUDIA LUCIA CAPO RAMIREZ, tp. 36448, identification card No. 40.017.374 of Tunja, residing in Bogotá, Colombia, to act in the order of their appointment in behalf of grantor before any entity, authority and/or natural or juridical person, specially before those Administrative, Administrative-Contentious, Judicial, arbitration courts, and/or any other, in all matters concerning the following:

1) To apply, process, obtain and/or register any of the modalities of Industrial Property, such as: Patents of Invention, Utility Models; Designs, plant varieties; Marks, Slogans, Trade Names and emblems and appellations of Origin; as well as their renewals, assignments, changes of name and/or domicile, agreements and licenses.
2) To apply, process, obtain and/or register copyrights of any kind as well as protection of industrial secrets or know-how.
3). To apply, process, obtain and/or register sanitary registrations, operating authorizations and/or licenses; as well as their renewals or assignments, changes of name and/or domicile, agreements and licenses.
4) To bring actions of opposition, observations, claims, reconsideration, appeal or legal remedies, cancellations, nullity, protection to the consumer, granting of licenses, protection of trade secrets and other actions related with rights derived from the above- mentioned matters and against the unfair competition, actions resulting from the obtaining or exploitation of licenses, recovering damages actions. They can also intervene or participate in Civil, Commercial, Criminal or Contentious-Administrative Trials; the actions for writ mandamus, police actions; in actions, lawsuits or litigations instituted by the grantor or against him.
5) To register domain names before the competent entity.
6) To the effect of this mandate the above-named proxy are empowered to: conciliate, cancel, settle, submit to arbitration, withdraw and to receive and take possession of the litigation related object and waive or renounce the rights granted or in process of granting, admit the facts of the case.
7) To ratify or not the officious agency.
8) I (we) hereby appoint the afore mentioned attorneys with powers to receive notifications and to designate judicial and extrajudicial attorneys, substitute this Power of Attorney and to revoke such substitutions.

Granted and signed at

on this 27TH day of MAY of 2009

Firma / signatura

PETER L HERRIDGE, POWER OF ATTORNEY

Cotejo Notarial: Copia (E) del Círculo de Bogotá D.C. Hago constar que esta fotocopia coincide con su Original que he tenido a la vista.
15 ABR 2010
Rytelsam J. Sánchez García
NOTARIO ONCE (E)
BOGOTÁ D.C.

5

CERTIFICADO NOTARIAL

(Cuando el solicitante es SOCIEDAD)

(Poderes otorgados en El Salvador, Estados Unidos, México y Venezuela)

A los días del mes de de , el Notario que suscribe DA FE de que:

1. _____
(nombre de la persona que firma el poder)

mayor de edad y domiciliado _____ _____ firmó de su puño y letra el documento que antecede.

2. Conoce al (a la) otorgante y que este (a) está legalmente capacitado para el otorgamiento.

3. El otorgante ha firmado el referido documento en su carácter de _____ de la persona jurídica de de JANSSEN PHARMACEUTICA NV

_____

4. La citada persona jurídica con sede en **Turnhoutseweg 30, B-2340 Beerse, Belgium,** está legalmente constituida, que tiene actualmente existencia legal y que el acto para el cual se ha otorgado este poder está comprendido entre los que constituyen su objeto social.

5. El otorgante tiene efectivamente la representación que ostenta, que esta es legítima y que está facultado para otorgar este poder.

6. Las anteriores certificaciones de los puntos 3, 4 y 5, me constan porque he tenido a la vista los documentos auténticos.

AMANDA LIN HAYNES
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 10/28/2013

_____

NOTA: A continuación de lo anterior, el Cónsul de Colombia debe autenticar la firma del Notario Público.

CERTIFICADO NOTARIAL (Cuando el solicitante es INDIVIDUO)

A los días del mes de de , el Notario que suscribe DA FE de que:

1. _____
(nombre de la persona que firma el poder)

mayor de edad y domiciliado en _____ _____ firmó en su presencia el documento que antecede, conoce al otorgante y que este está legalmente capacitado para el otorgamiento.

_____
Notario Público

NOTA: A continuación de lo anterior, el Cónsul de Colombia debe autenticar la firma del Notario Público.

Para todos los demás países el Señor Cónsul de Colombia o ante quien se otorgue, debe expedir una certificación dejando constancia 1) de la existencia legal de la sociedad, 2) de que esta ejerce actualmente su objeto social, y 3) de que la persona o personas que otorgan el poder están facultadas para hacerlo, dejando constancia así mismo de que tuvo a la vista las pruebas que acrediten tales circunstancias.

LEGALIZACIÓN POR EL CONSUL DE COLOMBIA O POR APOSTILLA

NOTARIAL CERTIFICATE

(When the applicant is a CORPORATION)

(Powers of attorney granted in: El Salvador, Mexico, U.S.A. and Venezuela)

This 27 day of MAY , 2009 the undersigned Notary CERTIFIES that:

1. PETER L HERRIDGE
(name of the person who signs the power of attorney)

of legal age and domiciled in NEW BRUNSWICK, NJ USA set his hand on the foregoing document.

2. The grantor is to him personally known and that he/she has legal capacity to execute the document.

3. The grantor has executed the foregoing document in his capacity of POWER OF ATTORNEY of the juridical JANSSEN PHARMACEUTICA NV

_____

4. The mentioned juridical person with place of **Turnhoutseweg 30, B-2340 Beerse, Belgium,** is duly organized, has actual legal existence and that the purposes for which the power of attorney is granted are within the scope of its corporate purposes.

5. The grantor has in fact the referred quality and that his/her representation is legal and that he/she is empowered to grant this power of attorney.

6. I have based the above certifications 3, 4 and 5, on the authentic documents which for such purpose were exhibited to me.

_____
Notary Public

NOTA: Then the Colombian Consul must legalize the signature of the Notary Public.

NOTARIAL CERTIFICATE (When the applicant is an INDIVIDUALS)

On this day of the undersigned Notary CERTIFIES that:

1. _____
(name of the person who signs the Power of Attorney)

of legal age and domiciled at _____ _____ signed in his presence the foregoing document, the grantor is to him personally known and that he/she has legal capacity to execute the document.

_____
Notary Public

NOTA: Then the Colombian Consul must legalize the signature of the Notary Public.

For all other countries the Colombian Consul or before who it is granted must issue a certification stating 1) the legal existence of the corporation, 2) that the corporate purposes are actually being accomplished , 3) that the person or persons who grant this Power of Attorney are empowered to do it. The Consul will certify also that the documents evidencing these circumstances were exhibited to him.

LEGALIZATION BY THE COLOMBIAN CONSUL OR BY APOSTILLE

Notario Único (E) del Circuito de Bogotá D.C. Hago constar que esta fotocopia coincide con su Original que he tenido a la vista

15 ABR 2010

Nelson J. Sánchez García
NOTARIO ONCE (E)
BOGOTÁ D.C.

6

Traducción oficial hecha por Jimena Escobar Uribe, traductora e intérprete oficial según resolución No. 0369 del Ministerio de Justicia, del documento legalizado mediante la **APOSTILLA** No. **A-367051** de 24 de junio de 2009 expedida en Estados Unidos de América (Nueva Jersey) correspondiente a un documento de poder y una certificación notarial en inglés con su correspondiente traducción al español (razón por la cual no se hace su traducción), otorgado a la sociedad **JANSSEN PHARMACEUTICA NV.**, domiciliada en Beerse, Bélgica

---

Documento de poder firmado el 27 de mayo de 2009 por Peter L. Herridge, con poder de Abogado.

Sello notarial: Amanda Lin Haynes, Notario Público de Nueva Jersey, comisión termina el 10/28/2013.

APOSTILLA

(Convención de la Haya de 5 de octubre de 1961)

1. País: Estados Unidos de América

2. Este documento público ha sido firmado por AMANDA LIN HAYNES

3. Actuando en su calidad de Notario Público de Nueva Jersey

4. Lleva el sello/estampilla de AMANDA LIN HAYNES, notario

CERTIFICADO

5. En Trenton, Nueva Jersey

6. El 24 de junio de 2009

7. Por P. David Rousseau, Tesorero de Nueva Jersey

8. Certificado No. A367051

9. Sello/Estampilla: El Gran Sello del Estado de Nueva Jersey

Como Notaria Once (E) del Circulo de Bogotá, D.C. hago constar que esta copia coincide con su original que me fue dado a la vista.

15 ABR 2010

NOTARIA ONCE (E)

JIMENA ESCOBAR URIBE
Traductor e Intérprete Oficial
Resolución No. 0369 Min. Justicia 1995

7

10. Firma: Firma ilegible

Número de certificado: 1146991910

Verifique este certificado en línea:

https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

JIMENA ESCOBAR URIBE
Traductor - Intérprete Oficial
Resolución No. 0369 Min. Justicia 1995

Notaría Once (E) del Círculo de Bogotá D.C., hago constar que esta FOTOCOPIA coincide con el Original que he tenido a la vista

15 ABR 2010

Nelson J. Sánchez García
NOTARIO ONCE (E)
BOGOTÁ, D.C.

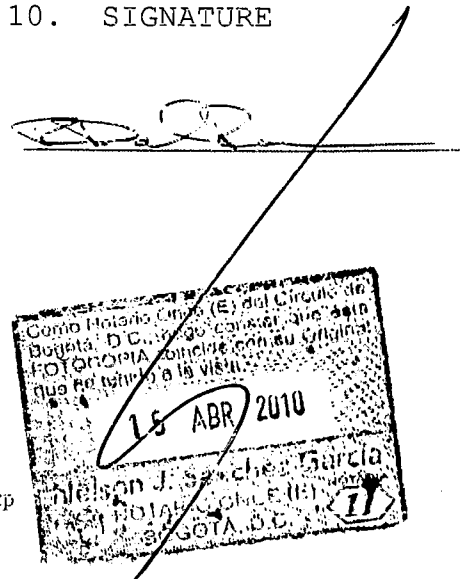
APOSTILLE

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
   GERALDINE A BAILEY
3. ACTING IN THE CAPACITY OF:
   NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
   GERALDINE A BAILEY, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 13TH DAY OF JULY 2009
7. BY: R. David Rousseau, NEW JERSEY TREASURER
8. NO: A368604
9. SEAL/STAMP:
10. SIGNATURE



Certificate Number: 1148251010
Verify this certificate at
https://www1.state.nj.us/TYTP_StandingCert/JSP/Verify_Cert.jsp

CERTIFICATION

I certify that **Peter L. Herridge, Power of Attorney** of **Janssen Pharmaceutica NV**, a corporation existing, duly organized and complying with its corporate purposes in conformity with the laws of **Belgium**, whose home office is located in **Beerse, Belgium**. I further certify that said individual is duly authorized to sign any and all instruments in his capacity as officer of the company and that the purposes for which are within the scope of the objects or activities of said corporation.

Sworn to and subscribed before me this 15th **day of** June, **20** 09

GERALDINE A. BAILEY
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/14/2014

Esta certificación notarial debe ser llenada en su totalidad y legalizarse por Apostilla
This notarial certification must be filled in completely and be legalized by Apostille

Como Notario Once (E) del Circuito de Bogotá D.C. hago constar que esta FOTOCOPIA concuerda con su Original que he tenido a la vista.
15 ABR 2010
Nelson Sánchez García
NOTARIO ONCE (E)
BOGOTA D.C.

10

Traducción oficial hecha por Jimena Escobar Uribe, traductora e intérprete oficial según resolución No. 0369 del Ministerio de Justicia, del documento legalizado mediante la **APOSTILLA** No. **A-368604** de 13 de julio de 2009 expedida en Estados Unidos de América (Nueva Jersey) correspondiente a una certificación notarial relacionada con la sociedad **JANSSEN PHARMACEUTICA.,** domiciliada en Beerse, Bélgica.

CERTIFICACIÓN

Yo certifico que Peter L. Herridge, con Poder de Abogado de Janssen Pharmaceutica NV, una sociedad existente, debidamente constituida y cumpliendo con sus objetos corporativos de acuerdo con las leyes de Bélgica, cuya casa matriz está localizada en Beerse, Bélgica. Además certifico que dicho individuo está debidamente autorizado para firmar cualquier y todos los instrumentos en su capacidad como funcionario de la sociedad y que los propósitos para los cuales están dentro del espectro de los objetivos o actividades de dicha sociedad.

Firmado: Firma ilegible

Sello: Juramentado y suscrito ante mí este día 10 de julio de 2009.

Firmado: Geraldine A. Bailey, notario público de Nueva Jersey, comisión termina 1/14/2014.

APOSTILLA

(Convención de la Haya de 5 de octubre de 1961)

1. País: Estados Unidos de América

JIMENA ESCOBAR URIBE
Traductor Intérprete Oficial
Resolución No. 0369 Min. Justicia 1995

Cuarto Notario Once (E) del Círculo de Bogotá, D.C., hago constar que ésta FOTOCOPIA coincide con su Original que he tenido a la vista.
15 ABR 2010
Nelson J. Sánchez García
NOTARIO ONCE (E)
BOGOTÁ, D.C.

11

2. Este documento público ha sido firmado por GERLADINE A. BAILEY

3. Actuando en su calidad de Notario Público de Nueva Jersey

4. Lleva el sello/estampilla de GERLADINE A. BAILEY, notario

CERTIFICADO

5. En Trenton, Nueva Jersey

6. El 13 de julio de 2009

7. Por P. David Rousseau, Tesorero de Nueva Jersey

8. Certificado No. A368604

9. Sello/Estampilla: El Gran Sello del Estado de Nueva Jersey

10. Firma: Firma ilegible

Número de certificado: 1148251010

Verifique este certificado en línea:

https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

JIMENA ESCOBAR

Como Notario Once (E) del Círculo de Bogotá, D.C., hago constar que esta FOTOCOPIA coincide con su Original que he tenido a la vista.

15 ABR 2010

Nelson J. Sánchez García
NOTARIO ONCE (E)
BOGOTÁ, D.C.

Traductor Intérprete Oficial
Resolución No. 0369 Min. Justicia

12

RESUMEN

La presente invención provee una suspensión farmacéutica estabilizada de carisbamato para uso pediátrico y en adultos. Más en particular, la suspensión se estabiliza con hipromelosa (HPMC) para evitar el crecimiento de cristales de las partículas suspendidas y para evitar la recristalización del producto farmacológico con cambio a la forma polimórfica.

13

SUSPENSIÓN PEDIÁTRICA ESTABILIZADA DE CARISBAMATO

REFERENCIA CRUZADA A SOLICITUDES RELACIONADAS

La presente solicitud reivindica prioridad de los beneficios de la presentación de la solicitud de patente provisional U.S. N.° de serie 60/984.144, presentada el 31 de octubre de 2007. Las descripciones completas de la solicitud de patente U.S. relacionada antes mencionada se incorporan en la presente por referencia para todos los fines.

CAMPO DE LA INVENCIÓN

La presente invención provee una suspensión farmacéutica estabilica de carisbamato para uso pediátrico y en adultos. Más en particular, la suspensión se estabilica para evitar el crecimiento en cristales de las partículas suspendidas y para evitar la recristalicación del producto farmacológico con cambio a la forma polimórfica. Además, la formulación tiene enmascarado el sabor para proporcionar una formulación que se pueda administrar con facilidad a pacientes que tienen dificultad para tragar comprimidos o cápsulas, por ejemplo, pacientes pediátricos.

ANTECEDENTES DE LA INVENCIÓN

La industria farmacéutica emplea una variedad de formulaciones posológicas para administrar por vía oral agentes medicinales a pacientes. Las formulaciones típicas para administración oral incluyen soluciones, emulsiones o suspensiones líquidas, así como formas sólidas tales como cápsulas o comprimidos. Las formulaciones sólidas de dosificación oral están destinadas usualmente a adultos que

14

pueden tragar fácilmente grandes comprimidos enteros; el sabor a menudo desagradable del ingrediente activo no necesita tenerse en cuenta al formular la medicina, salvo para proveer medios que eviten la manifestación del sabor durante el breve tiempo que esta medicina está en la boca. Estos medios pueden incluir la provisión de un recubrimiento apropiado sobre el comprimido, el uso de una forma de cápsula (la cubierta exterior de gelatina de la cápsula mantiene adentro el ingrediente activo hasta que la cápsula se haya tragado), o simplemente la compresión firme de un comprimido de modo que no comience a desintegrarse durante el breve tiempo en que está en la boca.

Los niños, las personas adultas y muchas otras personas tienen dificultad para tragar comprimidos enteros, incluso las cápsulas. Por ello, con frecuencia se desea proveer la medicina ya sea en forma líquida o en una forma sólida masticable o una forma sólida alternativa, por ejemplo, pequeñas partículas que se pueden espolvorear sobre alimentos blandos y tragar intactas con la comida, además del comprimido o la cápsula destinada a tragarse entera. Una forma de dosificación líquida oral tiene muchas ventajas para pacientes pediátricos y para pacientes mayores. Muchas medicinas tienen un sabor amargo o desagradable, y esto puede ser un problema significativo. Otro requerimiento de cualquier forma posológica es que debe estar biodisponible; es decir, una vez que la formulación alcanza el estómago, la formulación deberá liberar el ingrediente activo de forma rápida y completa para asegurar que se absorba sustancialmente la cantidad total del ingrediente activo.

15

Para algunas medicinas, la solubilidad limitada del fármaco en agua puede ser un problema en la formulación de formas posológicas orales líquidas y, en este caso, se usa a menudo una suspensión. Sin embargo, una suspensión puede presentar su propio tipo de problema si el fármaco tiene alguna solubilidad en agua: que las pequeñas partículas mantenidas en una suspensión acuosa puedan cambiar en la forma o el tamaño de los cristales. Esto puede suscitar problemas para conservar la apropiada biodisponibilidad, porque el tamaño del cristal puede afectar la velocidad de absorción, o porque el proceso de recristalización puede alterar la forma polimórfica de los cristales suspendidos y la forma alterada puede tener una biodisponibilidad diferente. De esta manera, existe la necesidad de una formulación de suspensiones que reduzcan la velocidad de recristalización y/o el cambio a la forma polimórfica de un compuesto cristalino ligeramente soluble como carisbamato.

SÍNTESIS DE LA INVENCIÓN

La presente invención se refiere a una formulación farmacéutica que comprende una suspensión de partículas de carisbamato en agua con la adición de hipromelosa de aproximadamente 1,8 a aproximadamente 2,0 mg/ml para estabilizar la suspensión para actuar como agente humectante y para controlar el crecimiento y la reformación de cristales y para estabilizar la estructura cristalina.

En otro aspecto, es un método de formulación de tal suspensión, que comprende: (a) preparar una solución disolviendo el benzoato de sodio en aproximadamente el 30% del volumen de agua total a temperatura ambiente 22 °C; (b) añadir el ácido cítrico, la sucralosa y el sabor frambuesa

16

con mezcla; (c) preparar una segunda solución para dispersar la hipromelosa (HPMC) y el carisbamato en aproximadamente el 70% del volumen total de agua a 22 °C con mezcla; (d) añadir la primera solución a la segunda, mientras se mezcla para formar la suspensión estabilizada y (e) añadir el ácido cítrico monohidratado para ajustar el pH de la formulación final entre pH 3,5 y 4,5 preferentemente con un pH blanco de 4,0.

En otro aspecto de la invención, son métodos de tratamiento de una condición patológica seleccionada de: epilepsia, dolor neuropático, temblor, epileptogénesis, neuroprotección, esquizofrenia, psicosis no esquizofrénicas, trastornos del comportamiento asociados con trastornos neurodegenerativos, por ejemplo, en demencia, trastornos del comportamiento en retraso mental y autismo, manía bipolar, depresión y ansiedad, según necesidad, que comprende la administración al mamífero de una cantidad terapéuticamente efectiva de cualquiera de las composiciones farmacéuticas de la presente invención.

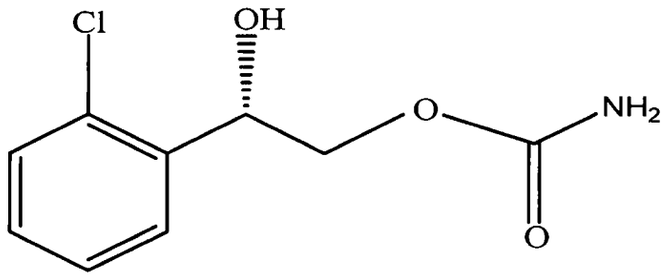
DESCRIPCIÓN DETALLADA DE LA INVENCIÓN

Una variedad de compuestos sustituidos de fenilalquilcarbamato descritos en la patente US N.° 3.265.728 de Bossinger et al. tiene una actividad anticonvulsivante en mamíferos y, así, su utilidad para tratar enfermedades tal como epilepsia en humanos.

Más específicamente, el compuesto S-(2-(2-clorofenil)-2-hidroxietil)monocarboxamida (que también se puede denominar apropiadamente [1-2-clorofenil]-2-carbamato de 1,2-etanodiol, [S]-), de ahora en adelante mencionado como "carisbamato" (mostrado a continuación) se está

17

desarrollando en la actualidad para comercializar como terapia adicional para el tratamiento de adultos y niños con crisis de inicio parciales.



Carisbamato

{1-2-clorofenil]-2-carbamato de 1,2-etanodiol, [S]

La presente invención provee una suspensión acuosa de carisbamato destinada primariamente al uso pediátrico o para pacientes que no pueden tragar comprimidos.

El carisbamato y los compuestos relacionados se pueden preparar de acuerdo con los procesos descritos en la patente U.S. N.° 6.103.759, cuya descripción se incorpora en la presente por referencia.

La presente invención se refiere a una formulación farmacéutica que comprende una suspensión estabilizada de partículas de carisbamato en agua con la adición de un agente humectante, un agente de estabilización de cristales, agentes amortiguadores, agentes antimicrobianos y saborizantes para mejorar el sabor.

Fue problemático formular el carisbamato en una suspensión acuosa porque es ligeramente soluble en agua, es decir, más de 2 mg/ml, de modo que los cambios de temperatura pueden provocar que las partículas de carisbamato se disuelvan en el medio de suspensión acuoso y luego se recristalicen en los cristales de carisbamato restantes y modifiquen el tamaño de los cristales resultantes o se recristalicen en una forma polimórfica

18

diferente. Este cambio en el tamaño del cristal o la forma polimórfica, por ejemplo, de la forma A a la forma B, puede producir un cambio indeseable en la biodisponibilidad de la suspensión. La presente invención se basa en parte en el descubrimiento de que la adición de hipromelosa (hidroxipropilmetilcelulosa o HPMC) en la concentración apropiada evitará o estabilizará este crecimiento de cristales y, en consecuencia, sirve para estabilizar la suspensión, manteniendo la biodisponibilidad y mejorando la vida en almacenamiento del producto.

La hipromelosa (HPMC) se usa en la industria farmacéutica en múltiples caminos, incluyendo en la fabricación de matrices hidrofílicas en formulaciones farmacológicas de liberación controlada y como un agente humectante y portador en dispersiones sólidas de compuestos sólidos. La presente invención se basa, en parte, en el descubrimiento de que la adición de hipromelosa (hidroxipropilmetilcelulosa o HPMC) en cantidades de aproximadamente 1,8 a aproximadamente 22,0 mg/ml actúa estabilizando los cristales en una suspensión acuosa de carisbamato y controlando el crecimiento de los cristales y su reformación y, en consecuencia, estabilizan la estructura de los cristales y mantienen la forma polimórfica. La HPMC también puede actuar como agente humectante en la presente formulación. La adición de HPMC a la suspensión acuosa de carisbamato disminuye notablemente el cambio de tamaño del cristal y la disolución y la cristalización de cristales suspendidos de carisbamato, y, en consecuencia, la transición desde el polimorfo A hasta el polimorfo B. Sin la adición de la concentración adecuada de HPMC para estabilizar la suspensión, la alteración del

19

tamaño del cristal y el cambio de la forma polimórfica pueden causar, con el tiempo, un cambio no deseado de la biodisponibilidad del fármaco activo.

Las composiciones orales opcionalmente pueden incluir ingredientes adicionales conocidos en la técnica de la formulación tales como agentes endulzantes, sustancias saborizantes, agentes reguladores de la viscosidad e ingredientes similares. Por ejemplo, se puede mejorar la estabilidad física de una suspensión mediante la adición a la solución de un agente de suspensión farmacéuticamente aceptable.

El sabor amargo del carisbamato y el buffer, y el sabor desagradable asociado con el pH de algunas fórmulas se pueden enmascarar opcionalmente mediante uno o más agentes endulzantes intensos tales como: sucralosa, sacarina, sacarina de sodio o de potasio o de calcio, acesulfame potásico o ciclamato sódico, o mediante el uso de azúcares tales como manitol, fructosa, sacarosa, maltosa y similares en la presente invención. La concentración del agente edulcorante puede variar de 0,04% a 0,5% y, en particular, es de aproximadamente 0,4%. Un edulcorante preferido de la presente invención es sucralosa, en aproximadamente 4 mg/ml.

La palatabilidad de las soluciones objeto opcionalmente también se puede optimizar mediante la adición de una o más sustancias saborizantes. Las sustancias saborizantes adecuadas son sabores de frutas tales como sabor de cereza, frambuesa, arándano o frutilla, o sabores más intensos, tales como sabor chocolate de caramelo, sabor de menta fresca, sabor de fantasía, y similares. Se descubrió que el uso de un sabor de fruta de

20

frambuesa produce muy buenos resultados de enmascaramiento del sabor en las presentes composiciones. La concentración total de las sustancias saboricantes puede variar de 0,1 a 5,0 mg/ml, con preferencia de 0,3% a 3,0 mg/ml y con máxima preferencia, de 1,5 a 2,5 mg/ml.

Las propiedades farmacocinéticas de las suspensiones acuosas de acuerdo con la presente invención también pueden depender hasta cierto punto de las propiedades fisicoquímicas del sólido de carisbamato, tales como el tamaño de partícula y la forma del cristal.

Las composiciones acuosas de acuerdo con la presente invención también comprenden convenientemente un agente de suspensión y un agente humectante, y opcionalmente uno o más de un conservante o un agente antimicrobiano, un buffer o un regulador de pH y un agente isotónico. Ingredientes particulares pueden actuar como dos o más de estos agentes al mismo tiempo, por ejemplo, comportarse como conservante y como buffer, o comportarse como buffer y un agente isotónico.

Los agentes de suspensión adecuados para usar en las suspensiones acuosas de acuerdo con la presente invención son derivados de celulosa, por ejemplo, metilcelulosa, carboximetilcelulosa sódica e hidroxipropilmetilcelulosa, polivinilpirrolidona, alginatos, quitosano, dextranos, gelatina, polietilenglicoles, éteres de polioxietileno y polioxipropileno. De preferencia, se usan celulosa microcristalina y carmelosa sódica en una concentración de 0,5 a 25 mg/ml, con mayor preferencia de 3,0 a 15 mg/ml, y con máxima preferencia de 13 mg/ml.

Los agentes humectantes adecuados para el uso en las suspensiones acuosas de acuerdo con la presente invención

son: hipromelosa (HPMC), derivados de polioxietileno de ésteres de sorbitano, por ejemplo, polisorbato 20 y polisorbato 80, lecitina, éteres de polioxietileno y polioxipropileno, desoxicolato de sodio. De preferencia, se usa hipromelosa 5 mPa.s en una concentración de 0,1 a 20 mg/ml, con mayor preferencia de 1,0 a 15 mg/ml, y con máxima preferencia, de 10 mg/ml. En consecuencia, la HPMC en la suspensión de la presente invención desempeña dos funciones, como estabilizador de cristales y como agente humectante.

A fin de prevenir el crecimiento de microorganismos tales como bacterias, levaduras y hongos de las composiciones orales con probabilidad de ser usadas en forma repetida, se puede agregar un agente conservante. Los conservantes son agentes antimicrobianos y antioxidantes que se pueden seleccionar del grupo que consiste de ácido benzoico, benzoato de sodio, alcohol bencílico, hidroxianisol butilado, hidroxitolueno butilado, clorbutol, un galato, un hidroxibenzoato, EDTA. Los conservantes adecuados deben ser fisicoquímicamente estables y efectivos en el rango de pH antes mencionado.

La concentración de los conservantes puede oscilar entre el 0,05% y el 1%, en particular entre el 0,1% y el 0,5%, y con máxima preferencia, es de aproximadamente el 0,2%. El conservante más preferido es el ácido benzoico usado en aproximadamente 2 mg/ml. Sin embargo, en la presente invención, el conservante más preferido por su facilidad de formulación es el benzoato de sodio usado en una concentración de 0,1 a 2,0 mg/ml, con mayor preferencia 1,0 a 1,5 mg/ml, y con máxima preferencia, de 1,18 mg/ml.

22

Además, se pueden usar agentes amortiguadores particulares para mantener el pH de la suspensión acuosa. Se prefiere en particular el uso de una mezcla de ácido cítrico monohidratado en una concentración de 0,1 a 2,0 mg/ml y con preferencia de 1,0 a 1,5 mg/ml y con máxima preferencia, de 1,3 mg/ml.

EJEMPLO

El siguiente ejemplo se provee para seguir definiendo la invención sin limitarla, sin embargo, a las características particulares de este ejemplo.

Tabla 1

Tabla 1: Ingredientes, concentraciones (mg/ml) y función:

23

Ingrediente	Concentración, mg/ml	Función
Carisbamato	20	Ingrediente activo (API)
Benzoato de sodio*	1,18	Conservante antimicrobiano
Ácido cítrico monohidratado	1,3	Regulador del pH, agente amortiguador, agente potenciador para el benzoato de sodio
Celulosa microcristalina y carmelosa sódica	13	Agente de suspensión
Hipromelosa 5 mPa.s	10	Agente humectante, coloide protector
Sucralosa	4	Endulzante
Frambuesa	2	Saborizante
Agua purificada	c.s. ad 1 ml	Vehículo

*1,18 mg de benzoato de sodio = 1 mg de ácido benzoico

pH de liberación: 3,5 - 4,5 (objeto: pH 4,0)

En la formulación del ejemplo anterior, se prepara una solución disolviendo el benzoato de sodio en aproximadamente el 30% del volumen de agua total a temperatura ambiente 22 °C junto con el ácido cítrico, la sucralosa y el saborizante de frambuesa. Se usa benzoato de sodio en lugar de ácido benzoico porque el benzoato de sodio se disuelve fácilmente en agua a temperatura ambiente

24

y el ácido benzoico necesita disolverse calentando el agua, y es difícil dispersar la HPMC en la solución resultante de ácido benzoico debido a la formación de aglomerados no dispersables.

Se prepara una segunda solución dispersando el agente de suspensión, es decir, la hipromelosa (HPMC) y API, es decir, carisbamato en aproximadamente el 70% del volumen total de agua a 22 °C. Luego se añade la primera solución a la dispersión de API-HPMC, mientras se mezcla para formar la suspensión estabilizada. El ácido cítrico monohidratado se añade para ajustar el pH de la formulación final entre pH 3,5 y 4,5 preferentemente con un pH blanco de 4,0.

La expresión "cantidad terapéuticamente efectiva" tal como se usa en la presente significa la cantidad de compuesto activo o agente farmacéutico que genera la respuesta biológica o medicinal en un tejido, sistema, animador humano buscada por un investigador, veterinario, médico u otro clínico, que incluye el alivio de los síntomas de la enfermedad en tratamiento.

El término "excipiente", tal como se usa en la presente, se refiere a cualquier sustancia inerte que se puede combinar con un agente activo para preparar formas farmacológicas convenientes que incluyen, por ejemplo, diluyentes, aglutinantes, lubricantes, desintegrantes, colorantes, saborizantes y endulzantes.

En vista a la utilidad del carisbamato en el tratamiento de una cantidad de trastornos, la presente invención también se refiere a una composición farmacéutica tal como se describió en la presente con anterioridad para usar como un medicamento en el tratamiento de epilepsia, dolor neuropático, temblor, epileptogénesis,

25

neuroprotección, esquizofrenia, psicosis no esquizofrénicas, trastornos del comportamiento asociados con trastornos neurodegenerativos, por ejemplo, en demencia, trastornos del comportamiento en retraso mental y autismo, manía bipolar, depresión, ansiedad.

Además, la presente invención se refiere al uso de una composición tal como se describió en la presente con anterioridad para la preparación de un medicamento para tratar epilepsia, dolor neuropático, temblor, epileptogénesis, neuroprotección, esquizofrenia, psicosis no esquizofrénicas, trastornos del comportamiento asociados con trastornos neurodegenerativos, por ejemplo, en demencia, trastornos del comportamiento en retraso mental y autismo, manía bipolar, depresión, ansiedad.

La presente invención también se refiere a un método de tratamiento de animales de sangre caliente, en particular seres humanos que padecen de epilepsia, dolor neuropático, temblor, epileptogénesis, neuroprotección, esquizofrenia, psicosis no esquizofrénicas, trastornos del comportamiento asociados con trastornos neurodegenerativos, por ejemplo, en demencia, trastornos del comportamiento en retraso mental y autismo, manía bipolar, depresión y ansiedad, método que comprende la administración de una cantidad terapéuticamente efectiva de una suspensión acuosa tal como se describió en la presente con anterioridad. Las cantidades terapéuticamente efectivas de carisbamato oscilan entre 50 y 1200 mg de dosis diaria total, administradas en una a cuatro dosis iguales.

26

REIVINDICACIONES

1. Una composición farmacéutica en forma de una suspensión acuosa, que comprende

a) de aproximadamente 10 a aproximadamente 30 mg de carisbamato; y

b) de aproximadamente 5,0 a aproximadamente 15,0 mg de hipromelosa; y

c) aproximadamente 1 ml de agua.

2. Una composición de acuerdo con la reivindicación 1, en donde la composición también comprende un agente de suspensión y un agente humectante, y opcionalmente uno o varios de un conservante, un buffer, un endulzante y un saborizante.

3. Un proceso para formar una composición farmacéutica que comprende: (a) preparar una solución disolviendo el benzoato de sodio en aproximadamente el 30% del volumen de agua total a temperatura ambiente 22 °C; (b) añadir el ácido cítrico, la sucralosa y el sabor con mezcla; (c) preparar una segunda solución para dispersar la hipromelosa (HPMC) y el carisbamato en aproximadamente el 70% del volumen total de agua a 22 °C con mezcla; (d) añadir la primera solución a la segunda, mientras se mezcla para formar la suspensión estabilizada y (e) añadir el ácido cítrico monohidratado para ajustar el pH de la formulación final entre pH 3,5 y 4,5.

4. La composición farmacéutica de acuerdo con la reivindicación 3 preparada por medio del proceso de la reivindicación 1.

27

5. Una composición de acuerdo con la reivindicación 4, en donde el conservante es alcohol bencílico y el agente isotónico es manitol o un buffer de fosfato.

6. Un método de tratamiento de epilepsia en un mamífero que lo necesita, que comprende la administración al mamífero de una cantidad terapéuticamente efectiva de la composición farmacéutica de la reivindicación 1.

7. Un método de tratamiento de un trastorno seleccionado del grupo que consiste en epilepsia, dolor neuropático, temblor, epileptogénesis, neuroprotección, esquizofrenia, psicosis no esquizofrénicas, demencia, trastornos del comportamiento en retraso mental y autismo, manía bipolar, depresión, y ansiedad, en un mamífero que lo necesita, que comprende la administración al mamífero de una cantidad terapéuticamente efectiva de cualquiera de las composiciones farmacéuticas de la presente invención.

28

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference *(if desired) (12 characters maximum)* P052014WO:JAW

Box No. I TITLE OF INVENTION

STABILIZED PEDIATRIC SUSPENSION OF CARISBAMATE

Box No. II APPLICANT ☐ This person is also inventor

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)*

JANSSEN PHARMACEUTICA, N.V.
Turnhoutseweg 30
B-2340 Beerse
BELGIUM

Telephone No.

Facsimile No.

Applicant's registration No. with the Office

☐ **E-mail authorization:** Marking this check-box authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, if the Office or Authority so wishes, advance copies of notifications in respect of this international application. *(See also the Notes to Boxes Nos. II and III.)*

E-mail address

State *(that is, country)* of nationality: BE

State *(that is, country)* of residence: BE

This person is applicant for the purposes of: ☐ all designated States ☑ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

☐ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: ☑ agent ☐ common representative

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

WARNER, James Alexander

CARPMAELS & RANSFORD
43-45 BLOOMSBURY SQUARE
LONDON, WC1A 2RA
GB

Telephone No.
020 7242 8692

Facsimile No.
020 7405 4166

Agent's registration No. with the Office

☐ **E-mail authorization:** Marking this check-box authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, if the Office or Authority so wishes, advance copies of notifications in respect of this international application. *(See also the Notes to Boxes Nos. II and III.)*

E-mail address

☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)*

EMBRECHTS, Roger
J&J PRD
Turnhoutseweg 30
Beerse 2340
BELGIUM

This person is:
- ☐ applicant only
- ☒ applicant and inventor
- ☐ inventor only *(If this check-box is marked, do not fill in below.)*

Applicant's registration No. with the Office

State *(that is, country)* of nationality: BE

State *(that is, country)* of residence: BE

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)*

DE LEERSNIJDER, Cedric
J&J PRD
Turnhoutseweg 30
Beerse 2340
BELGIUM

This person is:
- ☐ applicant only
- ☒ applicant and inventor
- ☐ inventor only *(If this check-box is marked, do not fill in below.)*

Applicant's registration No. with the Office

State *(that is, country)* of nationality: BE

State *(that is, country)* of residence: BE

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)*

This person is:
- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only *(If this check-box is marked, do not fill in below.)*

Applicant's registration No. with the Office

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)*

This person is:
- ☐ applicant only
- ☐ applicant and inventor
- ☐ inventor only *(If this check-box is marked, do not fill in below.)*

Applicant's registration No. with the Office

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on another continuation sheet.

Supplemental Box *If the Supplemental Box is not used, this sheet should not be included in the request.*

1. *If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No...." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:*

   (i) *if more than one person is to be indicated as applicant and/or inventor and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;*

   (ii) *if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;*

   (iii) *if, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;*

   (iv) *if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;*

   (v) *if, in Box No. VI, there are more than four earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.*

2. *If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such a case, write the name or two-letter code of each designated State concerned and the indication "patent of addition," "certificate of addition," "inventor's certificate of addition" or "utility certificate of addition," the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other parent grant or the date of filing of the parent application (Rules 4.11(a)(i) and 49bis.1(a) or (b)).*

3. *If the applicant intends to make an indication of the wish that the international application be treated, in the United States of America, as a continuation or continuation-in-part of an earlier application: in such a case, write "United States of America" or "US" and the indication "continuation" or "continuation-in-part" and the number and the filing date of the parent application (Rules 4.11(a)(ii) and 49bis.1(d)).*

CONTINUATION BOX NO. IV

HOWICK, Nicholas Keith
FISHER, Adrian John
MERCER, Christopher Paul
HALLYBONE, Huw George
HOWARD, Paul Nicholas
JACKSON, Richard Eric
JAMES, Anthony Christopher W.P.
COCHERTON, Bruce Roger
MARSHALL, Cameron John
GOODFELLOW, Hugh Robin
TUNSTALL, Christopher Stephen
HIRSCH, Susan Edith
SMALL, Gary James
WARNER, James Alexander
BULLETT, Rachel Margaret

All of Carpmaels & Ransford
43 - 45 Bloomsbury Square
London WC1A 2RA
United Kingdom

Tel: 0207 242 8692

Fax: 0207 405 4166

Box No. V DESIGNATIONS

The filing of this request **constitutes under Rule 4.9(a) the designation** of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

☐ DE Germany is **not designated** for any kind of national protection

☐ JP Japan is **not designated** for any kind of national protection

☐ KP Republic of Korea is **not designated** for any kind of national protection

☐ RU Russian Federation is **not designated** for any kind of national protection

(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)

Box No. VI PRIORITY CLAIM

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application *(day/month/year)*	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1) 31st October ~~2008~~ 2007 (31/10/200~~8~~)7	60/984,144	US		
item (2)				
item (3)				
item (4)				

☐ Further priority claims are indicated in the Supplemental Box.

Transmit certified copy: the receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) *(only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office)* identified above as:

☐ all items ☐ item (1) ☐ item (2) ☐ item (3) ☐ item (4) ☐ other, see Supplemental Box

Restore the right of priority: the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (_____). *(See also the Notes to Box No. VI; further information must be provided to support a request to restore the right of priority.)*

Incorporation by reference: where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) *(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used)*:

ISA/ EP

Continuation of Box No. VII **USE OF RESULTS OF EARLIER SEARCH, REFERENCE TO THAT SEARCH**

☐ The ISA indicated in Box No. VII is requested to take into account the results of the earlier search(es) indicated below (*see also Notes to Box VII: use of results of more than two earlier searches*).

Filing date *(day/month/year)* | Application Number | Country *(or regional Office)*

☐ **Statement (Rule 4.12(ii))**: this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.

☐ **Availability of documents**: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12*bis*.1(f)):

- ☐ a copy of the results of the earlier search,*
- ☐ a copy of the earlier application,
- ☐ a translation of the earlier application into a language which is accepted by the ISA,
- ☐ a translation of the results of the earlier search into a language which is accepted by the ISA,
- ☐ a copy of any document cited in the results of the earlier search. *(If known, please indicate below the document(s) available to the ISA):*

☐ **Transmit copy of results of earlier search and other documents** *(where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office)*: the **receiving Office** is requested to prepare and transmit to the ISA (Rule 12*bis*.1(c)):

- ☐ a copy of the results of the earlier search,*
- ☐ a copy of the earlier application,
- ☐ a copy of any document cited in the results of the earlier search.

* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12*bis*.1(a)) (*See item 11. in the check-list and also Notes to Box No. VII*).

Filing date *(day/month/year)* | Application Number | Country *(or regional Office)*

☐ **Statement (Rule 4.12(ii))**: this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.

☐ **Availability of documents**: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12*bis*.1(f)):

- ☐ a copy of the results of the earlier search,*
- ☐ a copy of the earlier application,
- ☐ a translation of the earlier application into a language which is accepted by the ISA,
- ☐ a translation of the results of the earlier search into a language which is accepted by the ISA,
- ☐ a copy of any document cited in the results of the earlier search. *(If known, please indicate below the document(s) available to the ISA):*

☐ **Transmit copy of results of earlier search and other documents** *(where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office)*: the **receiving Office** is requested to prepare and transmit to the ISA (Rule 12*bis*.1(c)):

- ☐ a copy of the results of the earlier search,*
- ☐ a copy of the earlier application,
- ☐ a copy of any document cited in the results of the earlier search.

* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12*bis*.1(a)) (*See item 11. in the check-list and also Notes to Box No. VII*).

☐ Further earlier searches are indicated on a continuation sheet.

Box No. VIII DECLARATIONS

The following **declarations** are contained in Boxes Nos. VIII (i) to (v) *(mark the applicable check-boxes below and indicate in the right column the number of each type of declaration)*:

		Number of declarations
☐ Box No. VIII (i)	Declaration as to the identity of the inventor :	
☐ Box No. VIII (ii)	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent :	
☐ Box No. VIII (iii)	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application :	
☐ Box No. VIII (iv)	Declaration of inventorship (only for the purposes of the designation of the United States of America) :	
☐ Box No. VIII (v)	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty :	

Box No. IX CHECK LIST; LANGUAGE OF FILING

This international application **contains:**

(a) **on paper,** the following number of sheets:

request (including declaration and supplemental sheets)	:	6
description (excluding sequence listing and/or tables related thereto)	:	9
claims	:	2
abstract	:	1
drawings	:	
Sub-total number of sheets	:	18
sequence listing	:	
tables related thereto	:	
(for both, actual number of sheets if filed on paper, whether or not also filed in electronic form; see (c) below)		
Total number of sheets	:	18

(b) ☐ **only in electronic form** (Section 801(a)(i))
- (i) ☐ sequence listing
- (ii) ☐ tables related thereto

(c) ☐ **also in electronic form** (Section 801(a)(ii))
- (i) ☐ sequence listing
- (ii) ☐ tables related thereto

Type and number of carriers (diskette, CD-ROM, CD-R or other) on which are contained the
- ☐ sequence listing: .....
- ☐ tables related thereto: .....

(additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)

This international application is **accompanied by** the following item(s) *(mark the applicable check-boxes below and indicate in right column the number of each item)*:

		Number of items
1. ☒	fee calculation sheet	: 1
2. ☐	original separate power of attorney	:
3. ☐	original general power of attorney	:
4. ☐	copy of general power of attorney; reference number, if any:	:
5. ☐	statement explaining lack of signature	:
6. ☐	priority document(s) identified in Box No. VI as item(s):	:
7. ☐	translation of international application into *(language)*:	:
8. ☐	separate indications concerning deposited microorganism or other biological material	:
9. ☐	sequence listing in electronic form *(indicate type and number of carriers)*	
(i) ☐	copy submitted for the purposes of international search under Rule 13*ter* only (and not as part of the international application)	:
(ii) ☐	*(only where check-box (b)(i) or (c)(i) is marked in left column)* additional copies including, where applicable, the copy for the purposes of international search under Rule 13*ter*	:
(iii) ☐	together with relevant statement as to the identity of the copy or copies with the sequence listing mentioned in left column	:
10. ☐	tables in electronic form related to sequence listing *(indicate type and number of carriers)*	
(i) ☐	copy submitted for the purposes of international search under Section 802(b-*quater*) only (and not as part of the international application)	:
(ii) ☐	*(only where check-box (b)(ii) or (c)(ii) is marked in left column)* additional copies including, where applicable, the copy for the purposes of international search under Section 802(b-*quater*)	:
(iii) ☐	together with relevant statement as to the identity of the copy or copies with the tables mentioned in left column	:
11. ☐	copy of results of earlier search(es) (Rule 12*bis*.1(a))	:
12. ☐	other *(specify)*:	:

Figure of the drawings which should accompany the abstract:

Language of filing of the international application: English

Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

WARNER, James Alexander

CHECKED
Date: 31/10/05.
By: JXG.

For receiving Office use only

1. Date of actual receipt of the purported international application:

2. Drawings:
- ☐ received:
- ☐ not received:

3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:

4. Date of timely receipt of the required corrections under PCT Article 11(2):

5. International Searching Authority (if two or more are competent): ISA /

6. ☐ Transmittal of search copy delayed until search fee is paid

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
7 May 2009 (07.05.2009)

PCT

(10) International Publication Number
WO 2009/056980 A1

(51) International Patent Classification:
A61K 9/00 (2006.01) *A61K 31/27* (2006.01)

(21) International Application Number:
PCT/IB2008/003331

(22) International Filing Date: 31 October 2008 (31.10.2008)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
60/984,144 31 October 2007 (31.10.2007) US

(71) Applicant *(for all designated States except US)*: **JANSSEN PHARMACEUTICA, N.V.** [BE/BE]; Turnhoutseweg 30, B-2340 Beerse (BE).

(72) Inventors; and
(75) Inventors/Applicants *(for US only)*: **EMBRECHTS, Roger** [BE/BE]; J & J PRD, Turnhoutseweg 30, B-2340 Beerse (BE). **DE LEERSNIJDER, Cedric** [BE/BE]; J & J PRD, Turnhoutseweg 30, B-2340 Beerse (BE).

(74) Agents: **WARNER, James, Alexander** et al.; Carpmaels & Ransford, 43-45 Bloomsbury Square, London, WC1A 2RA (GB).

(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:
— *with international search report*
— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments*

(54) Title: STABILIZED PEDIATRIC SUSPENSION OF CARISBAMATE

(57) Abstract: The present invention provides a stabilized pharmaceutical suspension of carisbamate for pediatric and adult use. More particularly, the suspension is stabilized with hypromellose (HPMC) to prevent crystal growth of the suspended particles and to prevent re-crystallization of the drug product with change in polymorphic form.

WO 2009/056980 A1

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
P052014WO:JAW		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/IB2008/003331	31/10/2008	31/10/2007
Applicant		
JANSSEN PHARMACEUTICA, N.V.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of:
      [X] the international application in the language in which it was filed
      [ ] a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. [ ] This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. [ ] With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. [ ] **Certain claims were found unsearchable** (See Box No. II)

3. [ ] **Unity of invention is lacking** (see Box No III)

4. With regard to the **title,**
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings,**
   a. the figure of the **drawings** to be published with the abstract is Figure No. _____
      [ ] as suggested by the applicant
      [ ] as selected by this Authority, because the applicant failed to suggest a figure
      [ ] as selected by this Authority, because this figure better characterizes the invention
   b. [ ] none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2008/003331

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61K9/00 A61K31/27

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, WPI Data, CHEM ABS Data, EMBASE, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/13904 A (ORTHO MCNEIL PHARM INC [US]) 1 March 2001 (2001-03-01)	1,2,4-7
A	page 4, line 12 - line 28 page 6, line 3 - line 7 page 15, line 30 - page 16, line 14 page 25; table 4	3

[ ] Further documents are listed in the continuation of Box C.

[X] See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
11 March 2009	17/03/2009

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Palma, Vera

3

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/IB2008/003331

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0113904 A	01-03-2001	AT 284223 T	15-12-2004
		AU 782759 B2	25-08-2005
		AU 6895800 A	19-03-2001
		BG 106420 A	30-09-2002
		BR 0013439 A	30-04-2002
		CA 2381797 A1	01-03-2001
		CN 1379686 A	13-11-2002
		CZ 20020524 A3	13-11-2002
		DE 60016602 D1	13-01-2005
		DE 60016602 T2	03-11-2005
		EP 1210118 A2	05-06-2002
		ES 2234651 T3	01-07-2005
		HU 0203198 A2	28-02-2003
		JP 2003507421 T	25-02-2003
		MX PA02001820 A	14-07-2003
		NO 20020728 A	05-04-2002
		NZ 517106 A	29-04-2005
		PL 353266 A1	03-11-2003
		PT 1210118 T	28-02-2005
		SK 2262002 A3	04-02-2003
		TR 200201067 T2	23-09-2002
		UA 75868 C2	15-06-2006
		ZA 200201403 A	19-05-2003

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2008/003331	31.10.2008	31.10.2007

International Patent Classification (IPC) or both national classification and IPC
INV. A61K9/00 A61K31/27

Applicant
JANSSEN PHARMACEUTICA, N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	See form PCT/ISA/210	Palma, Vera Telephone No. +31 70 340-3412

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing:

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-7
	No:	Claims	
Inventive step (IS)	Yes:	Claims	3
	No:	Claims	1,2,4-7
Industrial applicability (IA)	Yes:	Claims	1-7
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Claims 6 and 7 relate to subject-matter considered by this Authority to be covered by the provision of Rule 39.1(iv)/67.1(iv) PCT. The patentability can be dependent upon the formulation of the claims. The EPO, for example, does not recognise as patentable claims to the use of a compound in medical treatment, but may allow claims to a product, in particular substances or compositions for in a first or further medical treatment. See also point 3.2 below.

2. Reference is made to the following document:

   D1 : WO 01/13904 A (ORTHO MCNEIL PHARM INC [US]) 1 March 2001 (2001-03-01)

3. Clarity (Art. 6 PCT)

3.1 The terms "about" and "approximately" used in claims 1 and 3 are approximate terms and leave the reader in doubt as to the exact meaning of the technical features qualified by such terms, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT). These terms should be deleted from claims 1 and 3.

3.2 Although claims 6 and 7 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

4. Inventive Step (Art. 33(3) PCT)

4.1 Independent Claim 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT. Document D1 is considered to represent the closest prior art. D1 discloses a pharmaceutical composition comprising (the references in parentheses applying to this document):
- a combination of tramadol and an anticonvulsant drug such as carisbamate (RWJ-333369) (page 4, lines 18-28; page 6, lines 3-7), wherein the dose of carisbamate used is up to 9 mg/ml (page 25, table 4),
- prepared in a suspension of 0.5% hydroxypropyl methylcellulose (5 mg/ml) in distilled water (page 15, line 30 - page 16, line 14),
said composition being used in the treatment of neurologic or psychiatric disorders in mammals (page 4, lines 12-16).

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT). Claim 1 of the present application differs from D1 in that the claimed amount of carisbamate is higher: 10-30 mg per ml of water, whereas in D1 the dose of carisbamate used is up to 9 mg/ml. Since these are very approximate values, an effect from the difference is not expected and the objective technical problem should therefore be regarded as how to provide an alternative pharmaceutical composition in the form of an aqueous suspension comprising a higher amount of carisbamate. Starting from D1, it would be obvious to the skilled person to merely increase the amount of carisbamate in the formulation and arrive to the subject-matter of independent claim 1. Hence, the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT.

4.2 Independent Claim 3

Document D1 is considered to represent the most relevant state of the art. The subject-matter of independent claim 3 differs from D1 in that a first solution is prepared comprising sodium benzoate, citric acid, sucralose and a flavour in a percentage of the total water volume, and adding this first solution to a second solution comprising the carisbamate and hydroxypropyl methylcellulose in the remaining water. The subject-matter of claim 3 is therefore novel (Article 33(2) PCT).

The effect of the difference is that, by using sodium benzoate the stability of the composition is increased, and also it is easier to disperse the hydroxypropyl methylcellulose in the solution (see page 8 of the description).
The problem to be solved by the present invention may be regarded as how to provide a process to obtain a more stable carisbamate pharmaceutical composition in the form of an aqueous suspension comprising hydroxypropyl methylcellulose.
The solution to this problem proposed in claim 3 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: starting from D1, it would not be obvious to the skilled artisan to arrive to the subject-matter of independent claim 3, since there is no hint in D1 or in any prior art document which suggests to use sodium benzoate in order to facilitate the dispersion of hydroxypropyl methylcellulose in a suspension comprising carisbamate.

4.3 Dependent Claims 2, 4 and 5

Dependent claims 2, 4 and 5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Re Item VII
Certain defects in the international application

5. Claim 4 contains obvious mistakes (the number of the claims corresponding to the pharmaceutical composition and the process are mixed) (Rule 91 PCT).

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

PATENT COOPERATION TREATY

WO 2009/056930
PCT/IB2008/003331

From the INTERNATIONAL BUREAU

PCT

FIRST NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION (TO DESIGNATED OFFICES WHICH DO NOT APPLY THE 30 MONTH TIME LIMIT UNDER ARTICLE 22(1))

(PCT Rule 47.1(c))

To:

WARNER, James, Alexander
Carpmaels & Ransford
43-45 Bloomsbury Square
London, WC1A 2RA
ROYAUME-UNI

11 JUN 2009

CARPMAELS & RANSFORD
ACTIONED

Date of mailing *(day/month/year)*	
04 June 2009 (04.06.2009)	
Applicant's or agent's file reference	**IMPORTANT NOTICE**
P052014WO:JAW	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2008/003331	31 October 2008 (31.10.2008)	31 October 2007 (31.10.2007)

Applicant

JANSSEN PHARMACEUTICA, N.V. et al

1. **ATTENTION**: For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does apply**, please see Form PCT/IB/308(Second and Supplementary Notice) (to be issued promptly after the expiration of 28 months from the priority date).

2. Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does not apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93*bis*.1. The International Bureau has effected that communication on the date indicated below:
07 May 2009 (07.05.2009)

   None

   In accordance with Rule 47.1(*c-bis*)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

3. The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, **does not apply**, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93*bis*.1 :

   LU, TZ, UG

   In accordance with Rule 47.1(*c-bis*)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

4. **TIME LIMITS for entry into the national phase**

   For the designated Office(s) listed above, and unless a demand for international preliminary examination has been filed before the expiration of **19 months** from the priority date (see Article 39(1)), the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph,** be **20 MONTHS** from the priority date.

   In practice, **time limits other than the 20-month time limit** will continue to apply, for various periods of time, in respect of certain of the designated Offices listed above. For **regular updates on the applicable time limits** (20 or 21 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at http://www.wipo.int/pct/en/index.html.

   It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer

Cecile Chatel

e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

WO 2009/056980
PCT/IB2008/003331

From the INTERNATIONAL BUREAU

PCT

SECOND AND SUPPLEMENTARY NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION (TO DESIGNATED OFFICES WHICH APPLY THE 30 MONTH TIME LIMIT UNDER ARTICLE 22(1))

(PCT Rule 47.1(c))

To:

WARNER, James, Alexander
Carpmaels & Ransford
43-45 Bloomsbury Square
London, WC1A 2RA
ROYAUME-UNI

Date of mailing *(day/month/year)*	
04 March 2010 (04.03.2010)	
Applicant's or agent's file reference P052014WO:JAW	**IMPORTANT NOTICE**
International application No. PCT/IB2008/003331	International filing date *(day/month/year)* 31 October 2008 (31.10.2008)
Priority date *(day/month/year)* 31 October 2007 (31.10.2007)	
Applicant JANSSEN PHARMACEUTICA, N.V. et al	

1. **ATTENTION:** For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does not apply**, please see Form PCT/IB/303(First Notice) issued previously.

2. Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93*bis*.1. The International Bureau has effected that communication on the date indicated below:
07 May 2009 (07.05.2009)

AU, AZ, BY, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MY, MZ, NA, NG, PG, RU, SY, TM, US

In accordance with Rule 47.1(*c-bis*)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

3. The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93*bis*.1 :

AE, AG, AL, AM, AO, AP, AT, BA, BB, BG, BH, BR, BW, BZ, CA, CH, CR, CU, CZ, DE, DK, DM, DO, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, ID, IL, IN, IS, JP, KE, KM, KN, KZ, LA, LC, LK, LR, LS, LT, LY, MA, ME, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, RO, RS, SC, SD, SE, SG, SK, SL, SM, ST, SV, TJ, TN, TR, TT, UA, UZ, VC, VN, ZA, ZM, ZW

In accordance with Rule 47.1(*c-bis*)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

4. **TIME LIMITS for entry into the national phase**

For the designated or elected Office(s) listed above, the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph,** be **30 MONTHS** from the priority date.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain of the designated or elected Office(s) listed above. For **regular updates on the applicable time limits** (30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at http://www.wipo.int/pct/en/index.html.

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Cecile Chatel

e-mail: ro.ib@wipo.int

1/1 GMP

PATENT COOPERATION TREATY PCT/IB2008/003331

From the INTERNATIONAL BUREAU

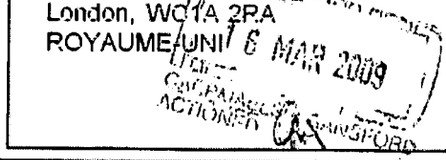
PCT

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

WARNER, James, Alexander
Carpmaels & Ransford
43-45 Bloomsbury Square
London, WC1A 2RA
ROYAUME-UNI



Date of mailing *(day/month/year)* 09 March 2009 (09.03.2009)	
Applicant's or agent's file reference P052014WO:JAW	**IMPORTANT NOTIFICATION**
International application No. PCT/IB2008/003331	International filing date *(day/month/year)* 31 October 2008 (31.10.2008)
International publication date *(day/month/year)* **Not yet published**	Priority date *(day/month/year)* 31 October 2007 (31.10.2007)
Applicant JANSSEN PHARMACEUTICA, N.V. et al	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).

2. *(If applicable)* The **letters "NR"** appearing in the right-hand column denote a **priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau** under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

3. *(If applicable)* **An asterisk (*)** appearing next to a date of receipt, in the right-hand column, denotes a **priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b)** (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
31 October 2007 (31.10.2007)	60/984,144	US	04 March 2009 (04.03.2009)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Cecile Chatel
e-mail RO.IB@WIPO.INT
Telephone No. +41 22 338 92 22

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

CAREMAELS & FANSFORD
Attn. Warner, James Alexander
43-45 Bloomsbury Square
London WC1A 2RA
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference P052014WO:JAW	Date of mailing *(day/month/year)* 17/03/2009
International application No. PCT/IB2008/003331	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
Applicant JANSSEN PHARMACEUTICA, N.V.	International filing date *(day/month/year)* 31/10/2008

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Almudena Montalvillo

Form PCT/ISA/220 (October 2005) *(See notes on accompanying sheet)*

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims,description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."

2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."

3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."

4. [Where various kinds of amendments are made]:
"Claims 1–10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

Industria y Comercio
SUPERINTENDENCIA

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
No. 10-055401- -00000-0000
Fecha: 2010-05-10 15:44:42 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Lve: 378 FASLNACIONALI
Act. 411 PRESENTACION Folios: 51

PATENTE DE INVENCIÓN ☐ MODELO DE [illegible] ☐

- ☐ Indicación que se solicita una patente.
- ☐ Datos de identificación del solicitante o de la persona que presenta la solicitud
- ☐ Descripción de la invención
- ☐ Dibujos de ser estos pertinentes
- ☐ Comprobante de pago de las tasas establecidas (De ser el caso formato de descuento)

Completa ☐ Incompleta ☐

PATENTE DE INVENCIÓN PCT ☐ MODELO DE UTILIDAD PCT ☐ Art.33 Decisión 486/00, Circular Única

- ☐ Indicación que se solicita una PCT .
- ☐ Copia de la solicitud en español, tal como fue presentada inicialmente (capítulo descriptivo, reivindicatorio, resumen)
- ☐ Dibujos de ser estos pertinentes
- ☐ Comprobante de pago de las tasas establecidas (de ser el caso formato de descuento)

Completa ☐ Incompleta ☐

DISEÑO INDUSTRIAL ☐ (Art. 119 Decisión 486/00)

- ☐ Indicación que se solicita Diseño industrial
- ☐ Datos de identificación del solicitante o de la persona que presenta la solicitud
- ☐ Representación gráfica y fotográfica del Diseño industrial o muestra del material que incorpora el diseño
- ☐ Comprobante de pago de las tasas establecidas

Completa ☐ Incompleta ☐

ESQUEMA DE TRAZADO ☐ (Art. 92 Decisión 486/00)

- ☐ Indicación que se solicita un esquema de trazado
- ☐ Datos de identificación del solicitante o de la persona que presenta la solicitud
- ☐ Representación gráfica de un esquema de trazado
- ☐ Comprobante de pago de las tasas establecidas

Completa ☐ Incompleta ☐

Industria y Comercio
SUPERINTENDENCIA

Bogotá D.C.,
2020

Doctor(a)
RODRIGUEZ D` ALEMAN DILIA MARIA
Apoderado(a) y/o Representante de
JANSSEN PHARMACEUTICA N.V.

REFERENCIA	Radicación No.	10 055401
	Solicitud internacional	PCT/IB2008/003331
	Fecha inicio fase nacional	31/05/2010
	Trámite	11
	Evento	378
	Actuación	430
	Oficio No.	207131

Como resultado del examen de forma, realizado con fundamento en el artículo 38 de la Decisión 486 de la Comisión de la Comunidad Andina, artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la Superintendencia de Industria y Comercio, se le comunica que:

1. La solicitud no contiene la copia del documento en que consta la cesión del derecho a la patente del inventor al solicitante o a su causante, conforme a lo establecido por el artículo 26 literal k) de la Decisión 486 de la Comisión de la Comunidad Andina. Cuando se trate de documentos otorgados en el extranjero, estos deberán legalizarse de conformidad con lo dispuesto por los artículos 259 y 260 del Código de Procedimiento Civil. Cuando se trate de las declaraciones a que hace referencia la Regla 4.17 ii) del Tratado de Cooperación en Materia de Patentes PCT., el alcance de las tales declaraciones se determinará según indiquen claramente una cesión de derechos del inventor al solicitante o su causante, de conformidad con lo dispuesto en el numeral 5.2.15 del Capítulo Quinto, Título X de la Circular Única de Superintendencia de Industria y Comercio.

En cumplimiento de lo dispuesto por el artículo 39 de la Decisión 486, se le requiere para que dentro del término de dos meses siguientes a la fecha de notificación del presente oficio, complete los requisitos anteriormente enunciados. En caso de no dar cumplimiento al presente requerimiento, la solicitud se considerará abandonada y perderá su prelación.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo quinto del título primero de la Circular Unica No. 10 de 2001.

ALIX CARMENZA CESPEDES DE VERGEL
Directora de Nuevas Creaciones (c)

04 JUN. 2010

El anterior requerimiento fue notificado por fijación en lista de fecha_____.
adpa11