

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-159887- -00010-0000

Fecha: 2013-03-21 16:21:43 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 523 RESPUESTA Folios: 29

Señor

SUPERINTENDENTE DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Re: P1.-GILEAD SCIENCES, INC.-Solicitud de Patente de Invención en Fase Nacional PCT para "SALES DE COMPUESTOS INHIBIDORES DE VIH".- Clase C07H 19/20.-Expediente número 10-159.887.-

1. Me refiero al auto dictado por ese Despacho notificado por fijación en lista de 26 de Diciembre de 2012.

2. Con el fin de responder a las objeciones expuestas por el Señor Examinador bajo los acápites de usos o segundos usos, claridad y nivel inventivo, me permito presentar los siguientes argumentos técnicos y las siguientes modificaciones en el capítulo reivindicatorio de la solicitud de patente en cuestión, por medio de lo cual se superan completamente dichas objeciones.

3. **Modificaciones en el capítulo reivindicatorio**

Inicialmente me permito manifestar que como parte de la respuesta a las objeciones realizadas por ese Despacho, el solicitante ha decidido modificar el capítulo reivindicatorio de la siguiente manera:

- Eliminando de la reivindicación 6 actualmente presentada la expresión '*...o esencialmente anhidra*', respectivamente;
- Eliminando las reivindicaciones 3, 5, 8, 9, 10, 11, 14, 18 y 21 actualmente presentadas;
- Re-enumerando las reivindicaciones 1, 2, 4, 6, 7, 12, 13, 15 a 17, 19, 20 y 22 a 26 actualmente presentadas, como nuevas reivindicaciones 1 a 17, respectivamente, e,
- Incluyendo en las nuevas reivindicaciones 2, 8 y 13 las características técnicas definidas en las reivindicaciones 3, 15 y 22 actualmente presentadas.

Visto lo anterior, me permito manifestar que las modificaciones realizadas en el capítulo reivindicatorio de la solicitud de patente en cuestión no amplían de manera alguna el alcance de la solicitud presentada originalmente, cumpliendo por lo tanto a cabalidad con las disposiciones de patentabilidad establecidas en el Artículo 34 de la Decisión 486 de 2000.

4. **Reivindicaciones relativas a un uso o a un segundo uso**

De acuerdo con el señor Examinador, las reivindicaciones 12 a 15, 23 y 31 no son patentables a partir de lo establecido en los artículos 14 y 21 de la Decisión 486 de 2000.

En respuesta a lo anterior, inicialmente me permito señalar que mediante mi memorial de 27 de Abril de 2011 se cancelaron las reivindicaciones 13, 14, 15, 23, 31 y 32 presentadas originalmente, allegándose a ese Despacho un nuevo capítulo reivindicatorio conformado por 26 reivindicaciones correspondientes a las reivindicaciones 1 a 12, 16 a 22 y 24 a 30 presentadas originalmente.

Sumado a lo anterior, considero pertinente resaltar que la reivindicación 12 actualmente presentada (la cual corresponde a la nueva reivindicación 8 como consecuencia de las modificaciones mencionadas en el numeral 3 del presente escrito) de ninguna manera se encuentra dirigida a proteger un uso o un segundo uso.

En consecuencia, me permito manifestar que el nuevo capítulo reivindicatorio de la solicitud de patente en cuestión cumple a cabalidad con las disposiciones de patentabilidad establecidas en los artículos 14 y 21 de la Decisión 486 de 2000.

5. **Claridad del capítulo reivindicatorio**

El señor Examinador objeta la claridad del capítulo reivindicatorio con base en lo siguiente:

- ***"Las reivindicaciones 1, 2, 5-7, 12, 16-17 especifican la formación de hidratos, lo cual es falta de claridad debido a que para determinar si un substrato particular formaría hidratos requeriría la síntesis del substrato y someterlo a recristalización con una variedad de solventes, temperaturas y humedades y en el capítulo descriptivo no hay un ejemplo de trabajo de cualquier hidrato o solvato formado, y no hay evidencia de que tales compuestos existan."***

JOSE LLOREDA CAMACHO & CO.

Calle 72 No. 5-83 Piso 5, Bogotá, D.C. Tel: 6069700 Fax 6069701

En respuesta a lo anterior me permito señalar que el término 'hidrato' ha sido eliminado de todo el capítulo reivindicatorio, con lo cual se supera completamente la objeción realizada por el señor Examinador a éste respecto.

- ***"Las reivindicaciones 2, 14 y 21 se encabezan por la sal, pero en realidad el verdadero objeto es una forma cristalina de la sal citrato, succinato y malonato respectivamente."***

En respuesta a lo anterior me permito señalar que las reivindicaciones 2, 14 y 21 actualmente presentadas (nuevas reivindicaciones 2, 8 y 13) han sido modificadas mediante la inclusión de características técnicas específicas que definen plenamente las formas cristalinas de las sales citrato, succinato y malonato allí reveladas.

De manera específica me permito señalar que en cada una de las nuevas reivindicaciones 2, 8 y 13 se han incluido las bandas de absorción espectral de espaciamiento d obtenidas a partir de un patrón de difracción de rayos x en polvo para cada una de las formas cristalinas reveladas, hecho que ofrece plena claridad y concisión a la materia a proteger.

- ***"Las reivindicaciones 5 y 6 no son claras cuando hacen referencia términos "parcialmente", "esencialmente", ya que no son limitativos y no permiten definir de manera adecuada el alcance de la invención. Se requiere al solicitante definirlos de manera precisa o eliminarlos del alcance del pliego reivindicatorio."***

Atendiendo a lo anterior, el solicitante ha decidido eliminar la reivindicación 5 actualmente presentada, y con respecto a la reivindicación 6 (nueva reivindicación 4) ha decidido eliminar la expresión '...o esencialmente anhidra', con lo cual se supera completamente la objeción realizada por el señor Examinador a éste respecto.

- ***"Las reivindicaciones 7, 17 y 19 no son claras cuando hacen uso de la expresión "una cantidad terapéuticamente efectiva" y hace referencia a un método de tratamiento, lo cual no es patentable desde la decisión 486, se recuerda al solicitante que la manera correcta de definir una composición es por sus componentes y proporciones, por lo que se le sugiere al solicitante, definir de manera inequívoca y precisa la materia a proteger eliminando la expresión"***

En respuesta a lo anterior y contrario a lo afirmado por ese Despacho, me permito manifestar que la expresión 'cantidad terapéuticamente efectiva' mencionada en las reivindicaciones 7, 17 y 19 (correspondientes a las nuevas reivindicaciones 5, 10 y 11) de ninguna manera hace referencia a un método de tratamiento, y contrario a esto corresponde a una expresión plenamente conocida y utilizada en el arte en cuestión para

definir los elementos de una composición, en éste caso una composición farmacéutica conformada por un compuesto de acuerdo con cada una de las nuevas reivindicaciones 1, 7 y 12, y un portador o excipiente farmacéuticamente aceptable.

- ***"Las reivindicaciones 8, 9, 18 no son concisas cuando hacen referencia a las expresiones "un agente terapéutico adicional" o "fármaco anti-VIH", ya que hacen referencia a cualquier compuesto que tenga actividad farmacológica o que tenga actividad anti-VIH, lo cual excede al alcance de lo soportado en el capítulo descriptivo. Se sugiere al solicitante, limitar el alcance de la reivindicación a aquellos agentes terapéuticos o fármacos anti-VIH que fueron utilizados y que se encuentran debidamente soportados en el capítulo reivindicatorio."***

Atendiendo a lo anterior, el solicitante ha decidido eliminar las reivindicaciones 8, 9 y 18 actualmente presentadas, con lo cual se supera completamente la objeción realizada por el señor Examinador a éste respecto.

- ***"Las reivindicaciones 10, 11 y 32 no son claras ya que no se encuentran definidas de acuerdo a sus características esenciales, se recuerda al solicitante que la forma adecuada de definir una composición, es mediante sus componentes y proporciones. De acuerdo con lo anterior y teniendo en cuenta que no se describen otras características esenciales en las reivindicaciones anteriores, se sugiere al solicitante retirarlas del capítulo reivindicatorio"***

Atendiendo a lo anterior, el solicitante ha decidido eliminar las reivindicaciones 10 y 11 actualmente presentadas. Adicionalmente, tal y como se mencionó en el numeral 4 del presente memorial, la reivindicación 32 presentada originalmente había sido eliminada mediante mi memorial de 27 de Abril de 2011.

Visto lo anterior, me permito señalar que el nuevo capítulo reivindicatorio de la solicitud de patente en cuestión cumple a cabalidad con los requisitos de patentabilidad establecidos en el artículo 30 de la Decisión 486 de 2000, toda vez que es claro, conciso y encuentra pleno sustento en la descripción de la solicitud.

6. Nivel inventivo de la solicitud

Finalmente, de acuerdo con el señor Examinador la solicitud de patente en cuestión carece de nivel inventivo frente a la combinación de las enseñanzas de los documentos: **WO 2006/015261 (D1), Handbook of Pharmaceutical Salts. Chapter 5: Control of the crystallization process (D2)** y el libro **'Farmacia Práctica Remington, Vol. 2. 19ª edición, Ed. Médica Panamericana, Páginas 371-375 y 2226-2241 (D3).**

En respuesta a lo anterior y con el ánimo de demostrar ante ese Despacho que el nuevo capítulo reivindicatorio de la solicitud de patente en cuestión es inventivo frente a la combinación de las enseñanzas de los documentos D1 a D3, atentamente me permito presentar las siguientes consideraciones técnicas:

a) La solicitud de patente en cuestión se encuentra dirigida a proteger las sales citrato, succinato y malonato de los compuestos de fórmulas I, II y III, respectivamente, así como las formas cristalinas de tales sales, de conformidad con las características técnicas definidas en las nuevas reivindicaciones 2, 8 y 13.

b) Por su parte, el documento D1 enseña una gran cantidad de compuestos químicos caracterizados porque actúan como agentes antivirales, mientras que el documento D2 corresponde a un Handbook de sales farmacéuticas que, de acuerdo con lo afirmado por el señor Examinador en su Concepto Técnico, divulga que la formación de sales para mejorar las propiedades de los compuestos farmacológicamente activos en general son de amplio conocimiento en el estado del arte, y de manera específica que las sales citrato, succinato y malonato son ampliamente utilizadas para mejorar la estabilidad de tales compuestos.

c) De lo anterior es claro que en dichos documentos D1 y D2 no se enseña y tampoco se sugiere específicamente la selección de ácido cítrico, ácido succínico y ácido malónico para formar sales del compuesto N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato, y por lo tanto la persona medianamente versada en la materia no encontraría en las enseñanzas del arte previo una expectativa razonable de que tales sales actúen como compuestos activos efectivos en el tratamiento de pacientes infectados con el virus de la inmunodeficiencia humana (tal y como se menciona en detalle en la descripción de la invención), máxime al tener en cuenta que, tal y como se divulga en el ejemplo 2 de la descripción, durante la fase desarrollo de los compuestos reivindicados, los inventores probaron al menos 21 ácidos con el objetivo de determinar si alguno de ellos formaba sales cristalinas adecuadas desde el punto de vista farmacéutico del compuesto precursor. **Sin embargo, dentro del grupo de 21 ácidos probados no se encontraba el ácido cítrico debido a su estructura potencialmente nucleofílica y a que el compuesto precursor se caracteriza porque se descompone en solventes próticos bajo condiciones ácidas o básicas.**

En efecto, en la página 28 (líneas 3 a 7) de la descripción, se afirma específicamente lo siguiente:

"El N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo es un profármaco amidato que sufre descomposición en solventes próticos bajo condiciones ácidas o básicas. Por esta razón,

no se incluyeron los ácidos con fragmentos potencialmente nucleofílicos en la ronda inicial de análisis."

Pese a lo anterior, en la segunda ronda de pruebas realizadas por los inventores, se encontró que el compuesto químico precursor formó una sal cristalina estable con ácido cítrico, hecho que resulta inesperado a partir de las enseñanzas del estado de la técnica anterior debido a que el ácido cítrico incluye dentro de su estructura un grupo hidroxilo que actúa como nucleófilo frente al compuesto precursor empleado, ocasionando una reacción con éste en la cual se forma un enlace covalente entre dicho compuesto precursor y el ácido cítrico (lo anterior aparece plenamente descrito en la página 28, líneas 10 a 19, de la descripción presentada ante ese Despacho).

En consecuencia, me permito manifestar que la persona medianamente versada en la materia no encuentra en los documentos D1 y D2 enseñanza técnica alguna que le hubiera podido permitir suponer de manera evidente que el compuesto *N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo* es capaz de formar sales estables con ácido cítrico, toda vez que el conocimiento estándar de dicha persona medianamente versada en la materia le habría sugerido la imposibilidad de obtener dicha sal estable, tal y como se explicó previamente.

Adicionalmente, es claro que dicha persona medianamente versada en la materia tampoco encuentra en el arte previo enseñanza técnica alguna que le sugiera de manera evidente que el compuesto *N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo* también es capaz de formar sales estables y farmacéuticamente activas con los ácidos succínico y malónico, mucho menos de que es capaz de formar sales cristalinas caracterizadas por las banda de absorción espectral de espaciamiento d. específicas que son reveladas en la presente invención.

d) De otro lado, con relación al documento D3 me permito señalar que dicha referencia no subsana las deficiencias de los documentos D1 y D2, y por lo tanto no realiza ningún aporte para que a partir de sus enseñanzas en combinación con las de D1 y D2 se pudiera obtener de manera obvia la materia objeto de la presente solicitud.

En este sentido, con respecto a D3 el señor Examinador sostiene que éste documento *"divulga que es una práctica habitual en estudios de preformulación la identificación de los diversos polimorfos de una sustancia, dentro de los cuales se incluyen rigurosos trabajos para determinar su presencia en los medicamentos con el fin de evitar su inestabilidad o falta de efectividad"*, así como también que diferentes sales y formas cristalinas para el mismo compuesto *"difieren en sus propiedades fisicoquímicas*

tales como la solubilidad, estabilidad, velocidad de disolución, higroscopicidad, biodisponibilidad, entre otras".

A éste respecto me permito manifestar que el documento D3 tan sólo proporciona una guía general con respecto al polimorfismo y a los métodos para caracterizar las formas polimórficas, pero de ninguna manera permite que la persona medianamente versada en la materia prediga las eventuales formas polimórficas de un sólido en particular, así como sus características físico-químicas y propiedades.

De manera particular me permito señalar que el documento D3 ni siquiera menciona o sugiere el compuesto N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo, así como tampoco enseña o sugiere los pasos específicos que se deben tomar partiendo de las enseñanzas de D1 para llegar a los polimorfos objeto de la presente solicitud, de forma tal que pueda llegarse a una forma cristalina de las sales citrato, succinato y malonato del compuesto N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo.

En conexión con lo anterior, me permito dirigir la atención de ese Despacho al hecho que en la página 2223 del documento D3 bajo el título '*Formación de sales*' claramente se afirma que:

"Lamentablemente, no se cuenta con un método confiable para predecir la influencia de una especie de sal particular sobre el comportamiento del compuesto original en las formas farmacéuticas. Además, aun cuando se hayan preparado muchas sales del compuesto básico, no se cuenta con técnicas de selección efectivas que faciliten la tarea del farmacéutico de selección de una sal."

Ahora bien, para el caso que nos ocupa es claro que en la solicitud de patente en cuestión se revela formas cristalinas de las sales citrato, succinato y malonato del compuesto N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-il)-4-fluoro-2,5-dihidrofuran-2-il]oxi}metil)fenoxifosfinoil]-L-alaninato de etilo, las cuales de ninguna manera habrían podido ser predichas a partir de la combinación de las enseñanzas de los documentos D1, D2 y D3.

Visto lo anterior, me permito manifestar ante ese Despacho que el nuevo capítulo reivindicatorio de la solicitud de patente en cuestión presenta un inequívoco carácter inventivo frente a la combinación de las enseñanzas de los documentos D1, D2 y D3, cumpliendo por lo tanto a cabalidad con las disposiciones de patentabilidad establecidas en el artículo 18 de la Decisión 486 de 2000.

7. Concesión de la patente por parte de la Oficina Europea de Patentes

Aparte de lo mencionado previamente, me permito resaltar ante ese Despacho que la solicitud de patente en cuestión ha sido aceptada por la Oficina Europea de Patentes, razón por la cual se concedió la patente EP 2 307 435 B1 (Anexo III).

En este sentido, ante todo considero de imperiosa necesidad señalar que con la información mencionada anteriormente de ninguna manera pretendo desconocer la independencia de la que goza la Superintendencia de Industria y Comercio al momento de analizar los méritos de patentabilidad de una solicitud, de acuerdo con las disposiciones del Convenio de París para la protección de la propiedad industrial.

Sin embargo, también considero de gran importancia resaltar el hecho de que los Examinadores de la Oficina Europea de Patentes han reconocido que la materia técnica revelada en la solicitud de patente en cuestión es clara, concisa, novedosa, inventiva e industrialmente aplicable, hecho que evidentemente representa un claro indicio de que la materia técnica revelada en la solicitud de patente en cuestión cumple a cabalidad con los requisitos de patentabilidad establecidos en la Decisión 486 de 2000.

8. Conclusión

Teniendo en cuenta las modificaciones realizadas en el capítulo reivindicatorio de la solicitud de patente en cuestión, y de conformidad con los argumentos técnicos presentados para demostrar la claridad y el nivel inventivo de dicho nuevo capítulo reivindicatorio, resulta completamente claro que se han superado las objeciones expuestas por el señor Examinador en su Concepto Técnico, y por lo tanto dicha invención es merecedora del privilegio de patente solicitado.

9. Anexo al presente memorial me permito presentar:

(i) Copia del nuevo capítulo reivindicatorio, el cual está compuesto por **17** reivindicaciones y reemplaza al documento actualmente presentado;

(ii) Recibos número 13-0021797, 13-0024169 y 13-0024168, expedidos por la Superintendencia de Industria y Comercio, que acreditan el pago de las reivindicaciones **11** a **17** del capítulo reivindicatorio modificado que se adjunta a este memorial; y

(iii) Copia de la carátula y el capítulo reivindicatorio de la patente europea EP 2 307 435 B1.

35
JOSE LLOREDA CAMACHO & CO.

Calle 72 No. 5-83 Piso 5, Bogotá, D.C. Tel: 6069700 Fax 6069701

10. En vista de lo anterior, ruego a usted proceder a estudiar nuevamente la solicitud a la luz de las modificaciones y argumentaciones presentadas y conceder el privilegio de patente solicitado.

Señor Superintendente,

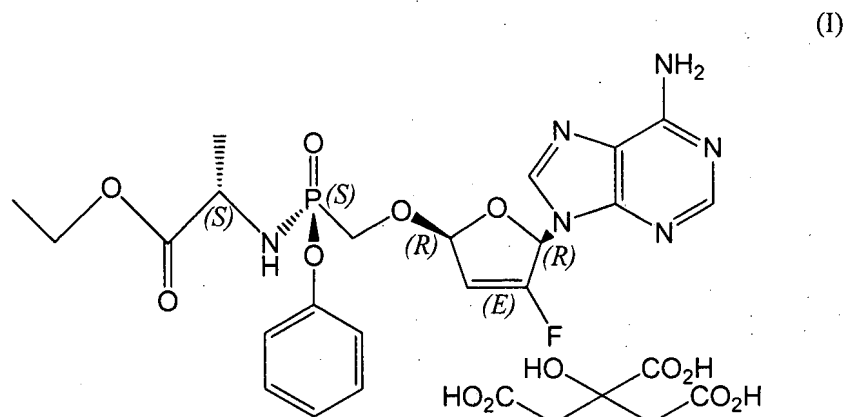

ALICIA LLOREDA RICAURTE

T. P. 53.215

Dirección para Notificaciones: **notificacionespatentes@lloredacamacho.com**

Reivindicaciones

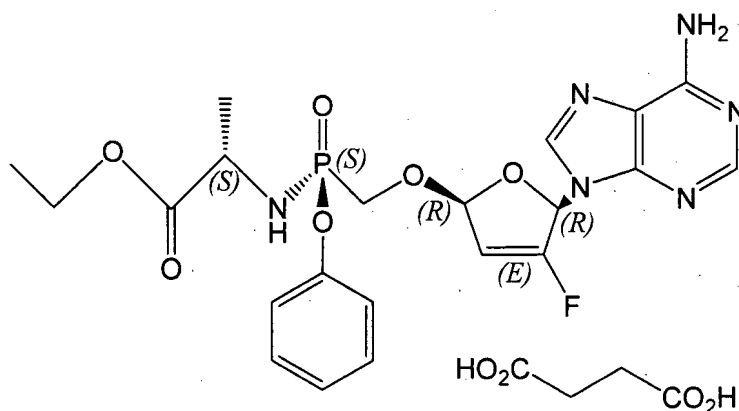
1. Una sal de citrato de fórmula I:



2. La sal de la reivindicación 1, caracterizada por ser una forma cristalina que presenta bandas de absorción espectral de espaciamiento d obtenidas a partir de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 4.48, 3.12 y 6.05 angstroms.
3. La sal de la reivindicación 2, caracterizada por bandas de absorción de ángulo de difracción 2 theta obtenidas a partir de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 19.81, 28.63 y 14.64 grados.
4. La sal de la reivindicación 2, caracterizada porque es anhidra.
5. Una composición farmacéutica que comprende una cantidad terapéuticamente efectiva de la sal de cualquiera de las reivindicaciones 1 a 4 y un portador o excipiente farmacéuticamente aceptable.
6. Una composición farmacéutica preparada combinando una cantidad terapéuticamente efectiva de la sal de cualquiera de las reivindicaciones 1 a 4 con un portador o excipiente farmacéuticamente aceptable.

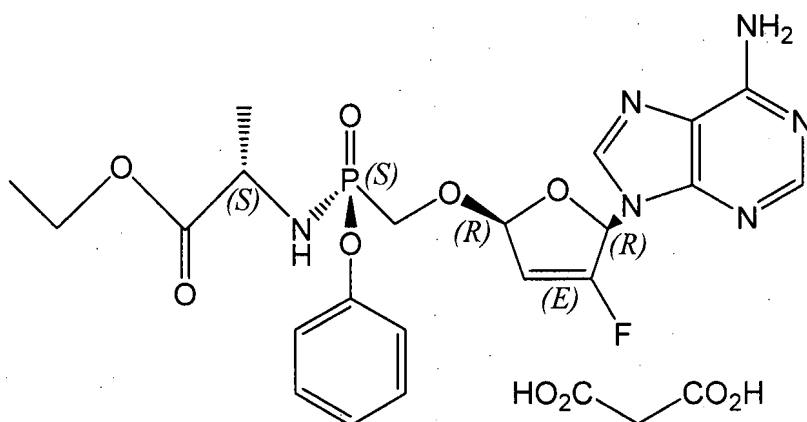
7. Una sal succinato de fórmula II:

(II)



8. La sal de la reivindicación 7 caracterizada por ser una forma cristalina que presenta bandas de absorción espectral de espaciamiento d obtenidas a partir de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 3.57, 4.80 y 4.99 angstroms.
9. La sal de la reivindicación 8, caracterizada por bandas de absorción de ángulo de difracción 2θ obtenidas de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 24.91, 18.46 y 17.76 grados.
10. Una composición farmacéutica que comprende una cantidad terapéuticamente efectiva de la sal o hidrato de cualquiera de las reivindicaciones 7 a 9 y un portador o excipiente farmacéuticamente aceptable.
11. Una composición farmacéutica preparada combinando una cantidad terapéuticamente efectiva de la sal de cualquiera de las reivindicaciones 7 a 9 con un portador o excipiente farmacéuticamente aceptable.
12. Una sal malonato de fórmula III o un hidrato del mismo:

(III)



13. La sal de la reivindicación 12, caracterizada por ser una forma cristalina que presenta bandas de absorción espectral de espaciamiento d obtenidas a partir de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 4.99, 5.93 y 4.72 angstroms.
14. La sal de la reivindicación 13, caracterizada por bandas de absorción de ángulo de difracción 2 theta obtenidas a partir de un patrón de difracción de rayos x en polvo iguales o esencialmente iguales a 17.76, 14.92 y 18.80 grados.
15. Una composición farmacéutica que comprende una cantidad terapéuticamente efectiva de la sal o hidrato de cualquiera de las reivindicaciones 12 a 14 y un portador o excipiente farmacéuticamente aceptable.
16. La composición farmacéutica de la reivindicación 15 que comprende además un ingrediente activo adicional.
17. Una composición farmacéutica preparada combinando una cantidad terapéuticamente efectiva de la sal o hidrato de cualquiera de las reivindicaciones 12 a 14 con un portador o excipiente farmacéuticamente aceptable.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
NIT : 800.176.089-2
- / -

 Industria y Comercio SUPERINTENDENCIA	RECIBO DE CAJA	No. 13 - 0021797
		Bogotá D.C., Marzo 04 de 2013 - 16:39:55

RECIBIDO DE : LLOREDA & CIA. S.A.	NI 830.022.145
-----------------------------------	----------------

*** Soporte del Pago ***					
TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR PAGO
CONSIGNACION	BANCO DE BOGOTA	062754387	495400953	04/03/2013	10.935.000.00

*** Conceptos Pagados ***			
CANT.	RENTISTICO	CONCEPTO	
1	50005-01-09 OTROS SERVICIOS DE PROPIEDAD INDUSTRIAL	99 OTROS SERVICIOS ADMINISTRATIVOS	
			Vr.UNDITARIO Vr.CONCEPTO
			90.000.00 90.000.00
			\$90.000.00
			=====

SON: **NOVENTA MIL PESOS MONEDA CORRIENTE**

Responsable: 

Recibo de Caja Aplicado al Expediente No. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
NIT : 800.176.089-2
- / -

 Industria y Comercio SUPERINTENDENCIA	RECIBO DE CAJA	No. 13 - 0024169
		Bogotá D.C., Marzo 11 de 2013 - 16:28:26

RECIBIDO DE : LLOREDA & CIA. S.A.					NI 830.022.145	
*** Soporte del Pago ***						
TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR. PAGO	
CONSIGNACION	BANCO DE BOGOTA	062754387	194846400	11/03/2013	6.430.000.00	

*** Conceptos Pagados ***					
CANT.	RENTISTICO	CONCEPTO	Vr.UNDITARIO	Vr.CONCEPTO	
1	50005-01-09 OTROS SERVICIOS DE PROPIEDAD INDUSTRIAL	99 OTROS SERVICIOS ADMINISTRATIVOS	60.000.00	60.000.00	
				\$60.000.00	
			=====		

SON: **SESENTA MIL PESOS MONEDA CORRIENTE**

Responsable:  _____
**

Recibo de Caja Aplicado al Expediente No. _____

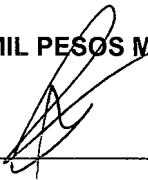
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
NIT : 800.176.089-2
- / -

 Industria y Comercio SUPERINTENDENCIA	RECIBO DE CAJA	No. 13 - 0024168
		Bogotá D.C., Marzo 11 de 2013 - 16:28:26

RECIBIDO DE : LLOREDA & CIA. S.A.					NI 830.022.145	
*** Soporte del Pago ***						
TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR. PAGO	
CONSIGNACION	BANCO DE BOGOTA	062754387	194846400	11/03/2013	6.430.000.00	

*** Conceptos Pagados ***					
CANT.	RENTISTICO	CONCEPTO	Vr.UNDITARIO	Vr.CONCEPTO	
1 50005-01-09	OTROS SERVICIOS DE PROPIEDAD INDUSTRIAL	99 OTROS SERVCIOS ADMINISTRATIVOS	60.000.00	60.000.00	
				\$60.000.00	
			=====		

SON: **SESENTA MIL PESOS MONEDA CORRIENTE**

Responsable: 
- *-
Recibo de Caja Aplicado al Expediente No. _____



(11) **EP 2 307 435 B1**

(12) **EUROPEAN PATENT SPECIFICATION**

- (45) Date of publication and mention of the grant of the patent:
13.06.2012 Bulletin 2012/24

(21) Application number: **09790117.7**

(22) Date of filing: **07.07.2009**
- (51) Int Cl.:
C07H 19/20^(2006.01) A61K 31/7076^(2006.01)
A61P 31/18^(2006.01)

(86) International application number:
PCT/US2009/049838

(87) International publication number:
WO 2010/005986 (14.01.2010 Gazette 2010/02)

(54) **SALTS OF HIV INHIBITOR COMPOUNDS**
SALZE VON HIV-INHIBITORVERBINDUNGEN
SELS DE COMPOSÉS INHIBITEURS DU VIH

(84) Designated Contracting States: AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LI LT LU LV MC MK MT NL NO PL PT RO SE SI SK SM TR (30) Priority: 08.07.2008 US 78989 (43) Date of publication of application: 13.04.2011 Bulletin 2011/15 (73) Proprietor: Gilead Sciences, Inc. Foster City, CA 94404 (US)	(72) Inventors: • GRAETZ, Benjamin, R. San Mateo CA 94403 (US) • POLNIASZEK, Richard, P. Redwood City CA 94065 (US) (74) Representative: Reitstötter - Kinzebach Patentanwälte Sternwartstrasse 4 81679 München (DE) (56) References cited: WO-A-2006/015261
--	--

Note: Within nine months of the publication of the mention of the grant of the European patent in the European Patent Bulletin, any person may give notice to the European Patent Office of opposition to that patent, in accordance with the Implementing Regulations. Notice of opposition shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention).

Description

FIELD OF THE INVENTION

[0001] The invention relates generally to salts of compounds with antiviral activity and more specifically with anti-HIV properties.

BACKGROUND OF THE INVENTION

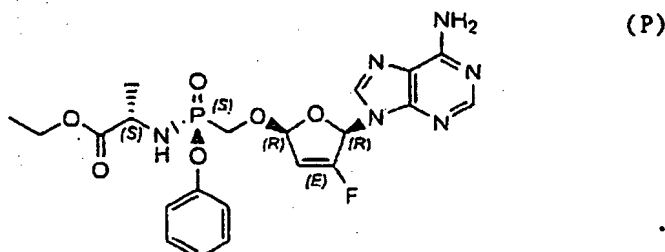
[0002] Human immunodeficiency virus (HIV) is a retrovirus that can lead to acquired immunodeficiency syndrome (AIDS), a condition in humans in which the immune system is weakened, leading to life-threatening opportunistic infections. Inhibitors of HIV are useful to treat HIV infection in a mammal (e.g., reduce and limit the establishment and progression of infection by HIV) as well as in diagnostic assays for HIV. The usefulness of currently marketed inhibitors of HIV is to some extent limited by toxicity and other side effects. Thus, there is a need for new HIV therapeutic agents.

[0003] A pharmaceutical formulation of a therapeutic agent must reproducibly and consistently deliver the therapeutic agent to a patient in need thereof. This consistency of delivery can be achieved, at least in part, by incorporation of a stable, soluble, solid-state form of the therapeutic agent into the pharmaceutical composition. Moreover, the synthesis of the desired solid-state form of the therapeutic agent should be technically and economically feasible, and should be suitable for full-scale commercial production.

[0004] Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is disclosed in WO 2006/015261 and WO 2006/110157.

SUMMARY OF THE INVENTION

[0005] Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a reverse transcriptase inhibitor that blocks the replication of HIV viruses, *in vivo* and *in vitro*, and has limited undesirable side effects when administered to human beings. The structure of Ethyl N-[(S)([(2R,3R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is shown in Formula P:



[0006] Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a low melting point, amorphous, solid which is difficult to isolate, purify, store for an extended period, and formulate as a pharmaceutical composition. Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is also a weak base that is capable of forming salts with acids. Accordingly, in one aspect, the present invention provides stable salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate that are more physically stable, and are more readily isolated and formulated, than the free base form of the compound.

[0007] The salts of the present invention are useful, for example, for treating, human patients infected with human immunodeficiency virus (strains of HIV-1 or HIV-2) which causes AIDS. The salts of the present invention are also useful, for example, for preparing a medicament for treating HIV or an HIV associated disorder. The salts of the present invention are also useful, for example, for inhibiting the replication of HIV viruses *in vitro*, and can be used, therefore, in biological assays as a control compound for identifying other reverse transcriptase inhibitors, or for investigating the mechanism of action of HIV reverse transcriptase and its inhibition.

[0008] Thus, in one aspect, the present invention provides citrate, succinate and malonate salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate. Methods of making the foregoing salts are disclosed. In some embodiments, the salts of the present invention are anhydrous, while in other embodiments the salts of the present invention are at least partially hydrated. In some embodiments, the salts of the present invention exist as crystalline forms.

EP 2 307 435 B1

[0009] Thus, the present invention comprises citrate, succinate and malonate salts of the compound of Formula P, as well as hydrates thereof. The inventive hydrates may be in a partial (e.g., hemi-hydrate) or full hydrated state (e.g., mono-hydrate). The present invention also comprises the subject salts in anhydrous or essentially anhydrous states. Similarly, the inventive salts and hydrates thereof comprise amorphous and crystalline states, as well as states comprising both amorphous and crystalline characteristics. As used herein, "crystalline" means a material that has an ordered, long range molecular structure. In contrast, "amorphous" materials do not possess long range order. It is understood that crystalline materials are generally more stable thermodynamically than amorphous forms of the same substance. Thus, with only a few notable exceptions, it is generally preferred to use crystalline materials in pharmaceutical applications. A measure of the degree of crystallinity of the inventive compounds can be seen, for example, in the sharpness of the DSC and XRPD absorption bands (peaks). The sharper the peak, the higher the degree of crystallinity. Conversely, the broader the peak, the lower the degree of crystallinity.

[0010] As described more fully in Example 12 herein, in specific embodiments, a citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is characterized by absorption bands, obtained from an X-ray powder diffraction pattern, at spectral d-spacings of 4.48, 3.12 and 6.05 angstroms; a succinate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is characterized by absorption bands, obtained from an X-ray powder diffraction pattern, at spectral d-spacings of 3.57, 4.80 and 4.99 angstroms; and a malonate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is characterized by absorption bands, obtained from X-ray powder diffraction pattern, at spectral d-spacings of 4.99, 5.93 and 4.72 angstroms. In another specific embodiment, the present invention provides a citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate having a melting point of from 142°C to 150°C.

[0011] Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is an amidate prodrug which undergoes reaction with and decomposition in protic solvents. The rate of the reaction depends on pH and temperature. Consequently, the formation of a stable salt between the amidate prodrug and citric acid, succinic acid and/or malonic acid, which each contain nucleophilic moieties capable of reacting with the prodrug (e.g., reaction with the amidate moiety of the prodrug) is a surprising and unexpected result.

[0012] In another aspect, the present invention provides pharmaceutical compositions that each include a therapeutically effective amount of a salt of the present invention and a pharmaceutically acceptable carrier or excipient. Pharmaceutical compositions of the present invention may also include an additional therapeutic agent, such as an antiviral, antibacterial, antifungal or anticancer agent. The pharmaceutical compositions of the invention may be in the form of unit dosage forms, such as tablets or capsules. The unit dosage forms typically provide an effective daily dose of a salt of the present invention to a human being in need thereof. Effective daily doses of the salts of the present invention are typically from 1 mg to 100mg, such as from 10mg to 30mg.

[0013] Disclosed are methods of making the citrate, succinate and malonate salts of the present invention. Thus, for example, disclosed is a process for preparing a citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate, wherein the process includes the step of contacting about one equivalent of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate free base in a suitable solvent (e.g., acetonitrile) with from about one equivalent to about 1.2 equivalents of citric acid at a temperature in the range of from about 55°C to about 75°C.

[0014] Disclosed is a process for preparing a succinate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate, wherein the process includes the step of contacting about one equivalent of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate free base in a suitable solvent (e.g., 2-butanone) with from about one equivalent to about 1.2 equivalents of succinic acid at a temperature in the range of from about 60°C to about 70°C to form the succinate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0015] Further, disclosed is a process for preparing a malonate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate, wherein the process includes the step of contacting about one equivalent of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate free base in a suitable solvent (e.g., 2-butanone) with from about one equivalent to about 1.2 equivalents of malonic acid at a temperature in the range of from about 50°C to about 70°C to form the malonate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0016] Disclosed are methods of treating or prophylactically preventing AIDS, wherein the methods include the step of administering to a human being suffering from AIDS a therapeutically effective amount of a salt of the invention, or a hydrate thereof.

BRIEF DESCRIPTION OF THE DRAWINGS

[0017]

FIGURE 1 shows a characteristic differential scanning calorimetry (DSC) trace for the malonate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

FIGURE 2 shows a characteristic DSC trace for the succinate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

FIGURE 3 shows a characteristic DSC trace for the citrate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

FIGURE 4 shows a characteristic X-ray powder diffraction (XRPD) pattern for the malonate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-3,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

FIGURE 5 shows a characteristic XRPD pattern for the succinate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

FIGURE 6 shows a characteristic XRPD pattern for the citrate salt of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

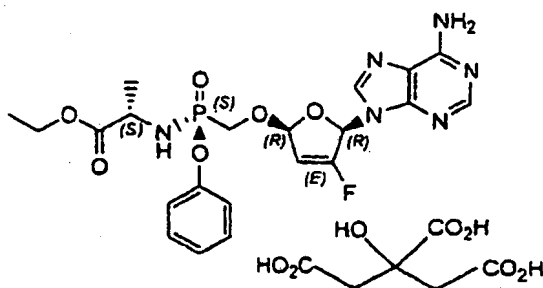
DETAILED DESCRIPTION OF EXEMPLARY EMBODIMENT

[0018] When tradenames are used herein, applicants intend to independently include the tradename product and the active pharmaceutical ingredient(s) of the tradename product.

Salts of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate

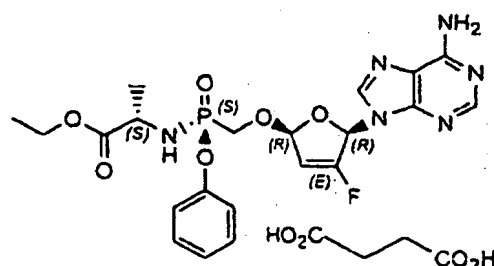
[0019] In one aspect, the present invention provides citrate, succinate and malonate salts of Ethyl N-[(S)({[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0020] The citrate salt is shown in Formula I :



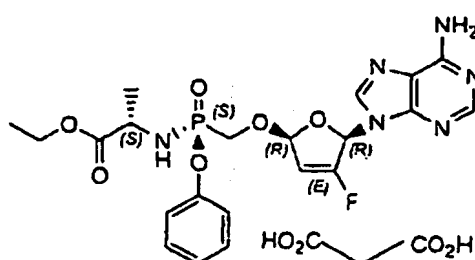
[0021] The succinate salt is shown in Formula II:

II



[0022] The malonate salt is shown in Formula III :

III



[0023] A method for synthesizing Ethyl N-[(S)-(((2R,3R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,3-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate is described in Reference Example I herein. Methods for making the malonate, succinate and citrate salts of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate are described in Examples 3, 4 and 5, respectively, herein. Some physical properties of the foregoing salts are described in Example 6 herein and demonstrate, for example, that each of these salts is physically stable when stored at 40°C and a relative humidity of 75%.

[0024] The citrate, succinate and malonate salts of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate are useful, for example, for inhibiting the replication of HIV *in vitro* and *in vivo*. In this regard, as explained more fully in Reference Example 8 herein, Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-3-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a prodrug that is metabolized in the human body to yield a parent compound which, in turn, is phosphorylated within the body to produce the active metabolite that inhibits HIV replication. Reference Example 8 herein shows that Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate causes a greater accumulation of the active metabolite in white blood cells, which are the cells that harbor the HIV virus, than does the parent compound. further, Reference Example 9 herein presents *in vitro* data showing that Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a more potent anti-HIV drug than the parent compound as assessed in an *in vitro* assay. Additionally, Example 10 herein provides data showing that a tablet containing the citrate salt of Ethyl N-[(S)-(((2R,4R)-5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate provides this drug to the bloodstream of Beagle dogs with similar pharmacokinetics to a liquid preparation of the drug administered orally. Thus, the citrate salt of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a physically and chemically stable composition of matter that can be administered orally to a living subject, to provide a therapeutically effective amount of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl]-L-alaninate, which is a more effective anti-HIV agent than the parent compound.

Pharmaceutical Composition

[0025] In another aspect, the present invention provides pharmaceutical compositions, also referred to as pharmaceutical formulations that include a therapeutically effective amount of one or more salts of the invention, and a pharmaceutically acceptable carrier or excipient.

[0026] While it is possible for the salts of the invention to be administered alone, it is typically preferable to administer them as pharmaceutical compositions. The pharmaceutical compositions of the invention are formulated with conventional carriers and excipients, which are selected in accord with ordinary practice. The carrier(s) must be "acceptable" in the sense of being compatible with the other ingredients of the formulation and physiologically innocuous to the recipient thereof. Tablets contain such components as excipients, glidants, fillers, binders and the like. Aqueous formulations are prepared in sterile form, and when intended for delivery by other than oral administration they are generally isotonic. All formulations optionally contain excipients such as those set forth in the Handbook of Pharmaceutical Excipients (R.C. Rowe et al., Pharmaceutical Press, 5th ed., 2006). Excipients include ascorbic acid and other antioxidants, chelating agents such as EDTA, carbohydrates such as dextrin, hydroxyalkylcellulose, hydroxyalkylmethylecellulose, stearic acid and the like. The pH of the formulations ranges from about 3 to about 11, but is ordinarily about 7 to 10.

[0027] The formulations may conveniently be presented in unit dosage form (e.g., tablet) and may be prepared by any of the methods well known in the art of pharmacy. Techniques and formulations generally are found in Remington's Pharmaceutical Sciences (Mack Publishing Co., Easton, PA). Such methods include the step of bringing into association the active ingredient with the carrier which constitutes one or more accessory ingredients. In general the formulations are prepared by uniformly and intimately bringing into association the active ingredient with liquid carriers or finely divided solid carriers or both, and then, if necessary, shaping the product.

[0028] Pharmaceutical formulations containing the active ingredient may be in any form suitable for the intended method of administration. When used for oral use for example, tablets, troches, lozenges, aqueous or oil suspensions, dispersible powders or granules, emulsions, hard or soft capsules, syrups or elixirs may be prepared. Compositions intended for oral use may be prepared according to any method known to the art for the manufacture of pharmaceutical compositions and such compositions may contain one or more agents including sweetening agents, flavoring agents, coloring agents and preserving agents, in order to provide a palatable preparation. Tablets containing the active ingredient in admixture with non-toxic pharmaceutically acceptable excipient which are suitable for manufacture of tablets are acceptable. These excipients may be, for example, inert diluents, such as calcium or sodium carbonate, lactose, lactose monohydrate, croscarmellose sodium, povidone, calcium or sodium phosphate; granulating and disintegrating agents, such as maize starch, or alginic acid; binding agents, such as cellulose, microcrystalline cellulose, starch, gelatin or acacia; and lubricating agents, such as magnesium stearate, stearic acid or talc. Tablets may be uncoated or may be coated by known techniques including microencapsulation to delay disintegration and adsorption in the gastrointestinal tract and thereby provide a sustained action over a longer period. For example, a time delay material such as glyceryl monostearate or glyceryl distearate alone or with a wax may be employed.

[0029] Formulations for oral use may be also presented as hard gelatin capsules where the active ingredient is mixed with an inert solid diluent, for example calcium phosphate or kaolin, or as soft gelatin capsules wherein the active ingredient is mixed with water or an oil medium, such as peanut oil, liquid paraffin or olive oil.

[0030] Aqueous suspensions of salts of the invention contain the active materials in admixture with excipients suitable for the manufacture of aqueous suspensions. Such excipients can include a suspending agent, such as sodium carboxymethylcellulose, methylcellulose, hydroxypropyl methylcellulose, sodium alginate, polyvinylpyrrolidone, gum tragacanth and gum acacia, and dispersing or wetting agents such as a naturally occurring phosphatide (e.g., lecithin), a condensation product of an alkylene oxide with a fatty acid (e.g., polyoxyethylene stearate), a condensation product of ethylene oxide with a long chain aliphatic alcohol (e.g., heptadecaethyleneoxycetanol), a condensation product of ethylene oxide with a partial ester derived from a fatty acid and a hexitol anhydride (e.g., polyoxyethylene sorbitan monooleate). The aqueous suspension may also contain one or more preservatives such as ethyl or n-propyl p-hydroxybenzoate, one or more coloring agents, one or more flavoring agents and one or more sweetening agents, such as sucrose or saccharin.

[0031] Oil suspensions may be formulated by suspending the Active ingredient in a vegetable oil, such as arachis oil, olive oil, sesame oil or coconut oil, or in a mineral oil such as liquid paraffin. The oral suspensions may contain a thickening agent, such as beeswax, hard paraffin or cetyl alcohol. Sweetening agents, such as those set forth above, and flavoring agents may be added to provide a palatable oral preparation. These compositions may be preserved by the addition of an antioxidant such as ascorbic acid.

[0032] Dispersible powders and granules of the invention suitable for preparation of an aqueous suspension by the addition of water provide the active ingredient in admixture with a dispersing or wetting agent, a suspending agent, and one or more preservatives. Suitable dispersing or wetting agents and suspending agents are exemplified by those disclosed above. Additional excipients, for example sweetening, flavoring and coloring agents, may also be present.

[0033] The pharmaceutical compositions of the invention may also be in the form of oil-in-water emulsions. The oily phase may be a vegetable oil, such as olive oil or arachis oil, a mineral oil, such as liquid paraffin, or a mixture of these. Suitable emulsifying agents include naturally-occurring gums, such as gum acacia and gum tragacanth, naturally occurring phosphatides, such as soybean lecithin, esters or partial esters derived from fatty acids and hexitol anhydrides, such as sorbitan monooleate, and condensation products of these partial esters with ethylene oxide, such as polyoxyethylene sorbitan monooleate. The emulsion may also contain sweetening and flavoring agents. Syrups and elixirs

may be formulated with sweetening agents, such as glycerol, sorbitol or sucrose. Such formulations may also contain a demulcent, a preservative, a flavoring or a coloring agent.

[0034] The pharmaceutical compositions of the invention may be in the form of a sterile injectable preparation, such as a sterile injectable aqueous or oleaginous suspension. This suspension may be formulated according to the known art using those suitable dispersing or wetting agents and suspending agents which have been mentioned above. The sterile injectable preparation may also be a sterile injectable solution or suspension in a non-toxic parenterally acceptable diluent or solvent, such as a solution in 1,3-butane-diol or prepared as a lyophilized powder. Among the acceptable vehicles and solvents that may be employed are water, Ringer's solution and isotonic sodium chloride solution. In addition, sterile fixed oils may conventionally be employed as a solvent or suspending medium. For this purpose any bland fixed oil may be employed including synthetic mono- or diglycerides. In addition, fatty acids such as oleic acid may likewise be used in the preparation of injectables.

[0035] The amount of active ingredient that may be combined with the carrier material to produce a single dosage form will vary depending, for example, upon the particular mode of administration. For example, a time-release formulation intended for oral administration to humans may contain approximately 1 to 1000 mg of active material compounded with an appropriate and convenient amount of carrier material which may vary from about to about 95% of the total composition (weight:weight).

[0036] Formulations suitable for administration to the eye include eye drops wherein the active ingredient is dissolved or suspended in a suitable carrier, especially an aqueous solvent for the active ingredient.

[0037] Formulations suitable for topical administration in the mouth include lozenges comprising the active ingredient in a flavored basis, such as sucrose and acacia or tragacanth; pastilles comprising the active ingredient in an inert basis such as gelatin and glycerin, or sucrose and acacia; and mouthwashes comprising the active ingredient in a suitable liquid carries.

[0038] Formulations for rectal administration may be presented as a suppository with a suitable base comprising for example cocoa butter or a salicylate.

[0039] Formulations suitable for intrapulmonary or nasal administration have a particle size for example in the range of 0.1 to 500 microns (including particle sizes in a range between 0.1 and 500 microns in increments of microns such as 0.5, 1, 30 microns, 35 microns, etc.), which is administered by rapid inhalation through the nasal passage or by inhalation through the mouth so as to reach the alveolar sacs. Suitable formulations include aqueous or oily solutions of the active ingredient. Formulations suitable for aerosol or dry powder administration may be prepared according to conventional methods and may be delivered with other therapeutic agents such as compounds heretofore used in the treatment or prophylaxis of conditions associated with HIV activity.

[0040] Formulations suitable for vaginal administration may be presented as pessaries, tampons, creams, gel, pastels, foams or spray formulations containing in addition to the active ingredient such carriers as are known in the art to be appropriate.

[0041] Formulations suitable for parenteral administration include aqueous and non-aqueous sterile injection solutions which may contain anti-oxidants, buffers, bacteriostats and solutes which render the formulations isotonic with the blood of the intended recipient; and aqueous and non-aqueous sterile suspensions which may include suspending agents and thickening agents.

[0042] The formulations are presented in unit-dose or multi-dose containers, for example scaled ampoules and vials, and may be stored in a freeze-dried (lyophilized) condition requiring only the addition of the sterile liquid carrier, for example water for injection, immediately prior to use. Extemporaneous injection solutions and suspensions are prepared from sterile powders, granules and tablets of the kind previously described. Preferred unit dosage formulations are those containing a daily dose or unit daily sub-dose or an appropriate fraction thereof, of the active ingredient. Thus, for example, a daily dose of a salt of the present invention can be provided in a single tablet, or in multiple tablets (e.g., two or three tablets).

[0043] It should be understood that in addition to the ingredients particularly mentioned above the formulations of this invention may include other agents conventional in the art having regard to the type of formulation in question, for example those suitable for oral administration may include flavoring agents.

[0044] Pharmaceutical formulations that are also within the scope of the invention provide controlled release of the active ingredient to allow less frequent dosing or to improve the pharmacokinetic or toxicity profile of the active ingredient. Accordingly, the invention also provides pharmaceutical compositions comprising one or more salts of the invention formulated for sustained or controlled release.

[0045] An effective dose of a salt of the present invention depends, for example, on whether the salt is being used prophylactically (typically a lower dose is required compared to therapeutic use of the same salt), the method of delivery, and the Pharmaceutical formulation, and will be determined by the clinician using conventional dose escalation studies. An effective dose can be expected to be from about 0.0001 mg/kg body weight per day to about 100 mg/kg body weight per day. Typically, from about 0.01 to about 10 mg/kg body weight per day. More typically, from about .01 to about 5 mg/kg body weight per day. More typically, from about .05 to about 0.5 mg/kg body weight per day. For example, the

daily dose for an adult human of approximately 70 kg body weight will typically range from 1 mg to 1000 mg, preferably between 5 mg and 500 mg, and may take the form of single or multiple doses. By way of example, the dose of a salt of the present invention in a unit dose formulation to be administered once per day may be from 1 mg to 100 mg, such as from 30mg to 60mg, such as a 30mg daily dose or a 60mg daily dose.

Combination Therapy

[0046] Each of the citrate, succinate and malonate salts of Ethyl N-[(S){[[(3R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate may be employed in combination with other therapeutic agents for the treatment or prophylaxis of AIDS and/or one or more other diseases present in a human subject suffering from AIDS (e.g., bacterial and/or fungal infections, other viral infections such as hepatitis B or hepatitis C, or cancers such as Kaposi's sarcoma). The additional therapeutic agent(s) may be coformulated with one or more salts of the invention (e.g., coformulated in a tablet).

[0047] Examples of such additional therapeutic agents include agents that are effective for the treatment or prophylaxis of viral, parasitic or bacterial infections, or associated conditions, or for treatment of tumors or related conditions, include 3'-azido-3'-deoxythymidine (zidovudine, AZT), 2'-deoxy-3'-thiacytidine (3TC), 2',3'-dideoxy-2',3'-didehydroadenosine (D4A), 2',3'-dideoxy-2',3'-didehydrothymidine (D4T), carbovir (carbocyclic 2',3'-dideoxy-2',3'-didehydroguanosine), 3'-azido-2',3'-dideoxyuridine, 5-fluorouracil, 5-fluorouridine, 5-fluoro-2'-deoxyuridine, 5-trifluoromethyl-2'-deoxyuridine, 6-azauridine, 5-fluoroarotic acid, methotrexate, triacetyluridine, 1-(2'-deoxy-2'-fluoro-1- β -arabinosyl)-5-iodocytidine (FIAC), tetrahydro-imidazo(4,5, 1-jk)-(1,4)-benzodiazepin-3(1H)-thione (TIBO), 2'-norcyclicGMP, 6-methoxypurine arabinoside (ara-M), 6-methoxypurine arabinoside 2'-O-valerate; cytosine arabinoside (ara-C), 2',3'-dideoxynucleosides such as 2',3'-dideoxycytidine (ddC), 2',3'-dideoxyadenosine (ddA) and 2',3'-dideoxyinosine (ddI); acyclic nucleosides such as acyclovir, penciclovir, famciclovir, ganciclovir, HPMP, PMEA, PMEG, PMPA, PMPDAP, FPMPA, HPMPA, HPMPDAP, (2R, 5R)-9-tetrahydro-5-(phosphonomethoxy)-2-furanyladenine, (2R, 5R)-1-tetrahydro-5-(phosphonomethoxy)-2-furanylthymine; other antivirals including ribavirin (adenine arabinoside), 2-thio-6-azauridine, tubercidin, aurintricarboxylic acid, 3-deazaneoplanocin, neoplanocin, rimantidine, adamantane, and foscarnet (trisodium phosphonoformate); antibacterial agents including bactericidal fluoroquinolones (ciprofloxacin, pefloxacin and the like); aminoglycoside bactericidal antibiotics (streptomycin, gentamicin, amikacin and the like); β -lactamase inhibitors (cephalosporins, penicillins and the like); other antibacterials including tetracycline, isoniazid, rifampin, cefoperazone, clathromycin and azithromycin, antiparasite or antifungal agents including pentamidine (1,5-bis(4'-aminophenoxy)pentane), 9-deazainosine, sulfamethoxazole, sulfadiazine, quinapyramine, quinine, fluconazole, ketoconazole, itraconazole, Amphotericin B, 5-fluorocytosine, clotrimazole, hexadecylphosphocholine and nystatin; renal excretion inhibitors such as probenecid; nucleoside transport inhibitors such as dipyridamole, dilazep and nitrobenzylthioinosine, immunomodulators such as FK506, cyclosporin A, thymosin α -1; cytokines including TNF and TGF- β ; interferons including IFN- α , IFN- β , and IFN- γ ; interleukins including various interleukins, macrophage/granulocyte colony stimulating factors including GM-CSF, G-CSF; M-CSF, cytokine antagonists including anti-TNF antibodies, anti-interleukin antibodies, soluble interleukin receptors, protein kinase C inhibitors and the like.

[0048] Examples of suitable active therapeutic agents or ingredients which can be combined with the salts of the invention, and which have activity against HIV, include 1) HIV protease inhibitors, e.g., amprenavir, atazanavir, fosamprenavir, indinavir, lopinavir, ritonavir, lopinavir + ritonavir, nelfinavir, saquinavir, tipranavir, brexnavir, darunavir, TMC-126, TMC-114, mozenavir (DMP-450), JE-2147 (AG1776), AG1839, DG35, L-756423, RO0334649, KNI-272, DPC-681, DPC-684, and GW640385X, DG17, PPL-100, 2) a HIV non-nucleoside inhibitor of reverse transcriptase, e.g., capravirine, emivirine, deloviridine, efavirenz, nevirapine, (+) calanolide A, etravirine, GW5634, DPC-083, DPC-961, DPC-963, MIV-150, and TMC-120, TMC-278 (rilpivirine), efavirenz, BILR 355 BS, VRX 840773, UK-453,061, RDEA806, 3) a HIV nucleoside inhibitor of reverse transcriptase, e.g., zidovudine, emtricitabine, didanosine, stavudine, zalcitabine, lamivudine, abacavir, amdoxovir, elvucitabine, alovudine, MIV-210, racivir (-FTC), D-d4FC, emtricitabine, phosphazide, fozivudine tidoxil, fosaltivudine tidoxil, apricitabine (AVX754), amdoxovir, KP-1461, abacavir + lamivudine, abacavir + lamivudine + zidovudine, zidovudine + lamivudine, 4) a HIV nucleotide inhibitor of reverse transcriptase, e.g., tenofovir, tenofovir disoproxil fumarate + emtricitabine, tenofovir disoproxil fumarate + emtricitabine + efavirenz, and adefovir, 5) a HIV integrase inhibitor, e.g., curcumin, derivatives of curcumin, chicoric acid, derivatives of chicoric acid, 3,5-dicaffeoylquinic acid, derivatives of 3,5-dicaffeoylquinic acid, aurintricarboxylic acid, derivatives of aurintricarboxylic acid, caffeic acid phenethyl ester, derivatives of caffeic acid phenethyl ester, tyrphostin, derivatives of tyrphostin, quercetin, derivatives of quercetin, S-1360, zintevir (AR-177), L-870812, and L-870810, MK-0518 (raltegravir), BMS-707035, MK-2048, BA-011, BMS-538158, GSK364735C, 6) a gp41 inhibitor, e.g., enfuvirtide, sifuvirtide, FB006M, TRI-1144, SPC3, DES6, Locus gp41, CovX, and REP 9, 7) a CXCR4 inhibitor, e.g., AMD-070, 8) an entry inhibitor, e.g., SP01A, TNX-355, 9) a gp120 inhibitor, e.g., BMS-488043 and BlockAide/CR, 10) a G6PD and NADH-oxidase inhibitor, e.g., immunitin, 10) a CCR5 inhibitor, e.g., aplaviroc, vicriviroc, INCB9471, PRO-140, INCB15050, PF-232798, CCR5mAb004, and maraviroc,

EP 2 307 435 B1

11) an interferon, e.g., pegylated rIFN-alpha 2b, pegylated rIFN-alpha 2a, rIFN-alpha 2b, IFN alpha-2b XL, rIFN-alpha 2a, consensus IFN alpha, interferon, rebif, locteron, AV1-005, PEG-interferon, pegylated IFN-beta, oral interferon alpha, feron, reaferon, intermax alpha, r-IFN-beta, interferon ÷ actimmune, IFN-omega with DUROS, and albuferon, 12) ribavirin analogs, e.g., rebetol, copegus, levovirin, VX-497, and viramidine (taribavirin) 13) NS5a inhibitors, e.g., A-831 and A-689, 14) NS5b polymerase inhibitors, e.g., NM-283, valopicitabine, R1626, PSI-6130 (R1656), HIV-796, BILB 1941, MK-0608, NM-107, R7128, VCH-759, PF-868554, GSK625433, and XTL-2125, 15) NS3 protease inhibitors, e.g., SCH-503034 (SCH-7), VX-950 (Telaprevir), ITMN-191, and BILN-2065, 16) alpha-glucosidase 1 inhibitors, e.g., MX-3253 (celgosivir) and UT-231B, 17) hepatoprotectants, e.g., IDN-6556, ME 3738, MitoQ, and LB-84451, 18) non-nucleoside inhibitors of HIV, e.g., benzimidazole derivatives, benzo-1,2,4-thiadiazine derivatives, and phenylalanine derivatives, 19) other drugs for treating HIV, e.g., zadaxin, nitazoxanide (alenea), BIVN-401 (virostat), DEBIO-025, VGX-410C, EMZ-702, AVI 4065, bavituximab, oglufanide, PYN-17, KPE02003002, actilon (CPG-10101), KRN-7000, civacir, GI-5005, ANA-975 (isatoribine), XTL-6865, ANA 971, NOV-205, tarvacin, EHC-18, and NIM811, 19) phannacokinetic enhancers, e.g., BAS-100 and SPI452, 20) RNAse H inhibitors, e.g., ODN-93 and ODN-112, 21) other anti-HIV agents, e.g., VGV-1, PA-457 (bevirimat), amplitgen, HRG214, cytolin, polymun, VGX-410, KD247, AMZ 0026, CYT 99007, A-221 HIV, BAY 50-4798, MDX010 (iplimumab), PBS119, ALG889, and PA-1050040.

[0049] Again by way of example, the following list discloses exemplary HIV antivirals, with their corresponding U.S. Patent numbers that can be combined with the salts of the present invention.

Exemplary HIV Antivirals and Patent Numbers

[0050]

Ziagen (Abacavir sulfate, US 5,034,394)
 Epzicom (Abacavir sulfate/lamivudine, US 5,034,394)
 Hepsera (Adefovir dipivoxil, US 4,724,233)
 Agenerase (Amprenavir, US 5,646,180)
 Reyataz (Atazanavir sulfate, US 5,849,911)
 Rescriptor (Delavirdine mesilate, US 5,563,142)
 Hivid (Dideoxycytidine; Zalcitabine, US 5,028,595)
 Videx (Dideoxyinosine; Didanosine, US 4,861,759)
 Sustiva (Efavirenz, US 5,519,021)
 Emtriva (Emtricitabine, US 6,642,245)
 Lexiva (Fosamprenavir calcium, US 6,436,989)
 Virudin; Triapten; Foscavir (Foscarnet sodium, US 6,476,009)
 Crixivan (Indinavir sulfate, US 5,413,999)
 Epivir (Lamivudine, US 5 047,407)
 Combivir (Lamivudine/Zidovudine, US 4,724,232)
 Aluviran (Lopinavir)
 Kaletra (Lopinavir/ritonavir, US 5,541,206)
 Viracept (Nelfinavir mesilate, US 5,484,926)
 Viramune (Nevirapine, US 5,366,972)
 Norvir (Ritonavir, US 5,541,206)
 Invirase; Fortovase (Saquinavir mesilate, US 5,196,438)
 Zerit (Stavudine, US 4,978,655)
 Truvada (Tenofovir disoproxil fumarate/emtricitabine, US 5,210,085)
 Aptivus (Tipranavir)
 Retrovir (Zidovudine; Azidothymidine, US 4,724,232)

Methods of Inhibition of HIV

[0051] Disclosed are methods of treating Acquired immune Deficiency Syndrome (AIDS), wherein each method includes the step of administering to a human being suffering from AIDS a therapeutically effective amount of a salt of the invention, or a hydrate of a salt of the invention. Treatment of AIDS includes the amelioration of at least one symptom of AIDS, and/or slowing or preventing the progression of the disease. Typically the therapeutically effective amount of the salt is administered to a human being in the form of a pharmaceutical composition, as described under the heading "Pharmaceutical Compositions". Typically, the pharmaceutical composition is administered orally, for example in the form of a tablet. Examples of therapeutically effective daily doses of one or more salts of the invention, or hydrates thereof, are from 1 mg to 100 mg, such as from 10 mg to 30 mg. The salts of the invention can be administered daily,

for example in the form of one or more tablets that include an amount of salt that provides an effective amount, such as 10mg or 30mg or 60 mg, of the free base when the salt dissociates in an aqueous medium within the human body.

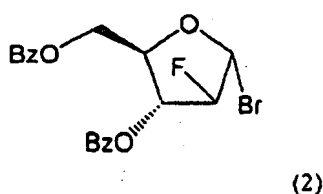
Routes of Administration

[0052] One or more salts of the invention are to be administered by any route appropriate to the condition to be treated. Suitable routes include oral, rectal, nasal, topical (including buccal and sublingual), vaginal and parenteral (including subcutaneous, intramuscular, intravenous, intradermal, intrathecal and epidural), and the like. It will be appreciated that the preferred route may vary with, for example, the condition of the recipient. An advantage of the salts of the present invention is that they are orally bioavailable and can be dosed orally.

Examples and Exemplary Embodiments:

Reference Example 1. Synthesis of Ethyl N-[(S){[(2R,SR)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy}methyl]phenoxyphosphinoyl]-L-alaninate.

[0053]

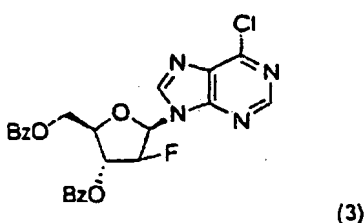


2-deoxy-2-fluoro-3,5-di-O-benzoyl-α-D-arabinofuranosylbromide (2)

[0054] Compound (2) was synthesized according to the synthetic schemes disclosed in Tann et. al., JOC, 1985, Vol. 50 pg. 3644 and Howell et. al., JOC, 1988, Vol. 53, pg. 85.

[0055] To a solution of 1,3,5-tri-O-benzoyl-2-deoxy-2-fluoro-α-D-arabinofuranose (1) (120 g, 258 mmol), commercially available from Davos or CMS chemicals, in CH₂Cl₂ (1L) was added 33% HBr/Acetic acid (80 mL). The mixture was stirred at room temperature for 16 h, cooled with ice-water, and slowly neutralized over 1-2 h with NaHCO₃ (150 g/1.5 L solution).

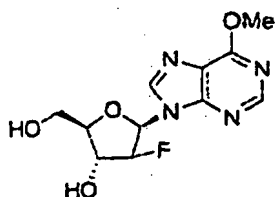
[0056] The CH₂Cl₂ phase was separated and concentrated under reduced pressure. The residue was dissolved in ethyl acetate and washed with NaHCO₃ until no acid was present. The organic phase was dried over MgSO₄, filtered and concentrated under reduced pressure to give product 2 as a yellow oil (~115 g).



2-deoxy-2-fluoro-3,5-di-O-benzoyl-β-D-arabinofuranosyl-9H-6-chloropurine (3)

[0057] Compound (3) was synthesized according to the synthetic schemes disclosed in Ma et. al., J. Med. Chem., 1997, Vol. 40, pg. 2750; Marquez et. al., J. Med. Chem., 1990, Vol. 33, pg. 978; Hildebrand et. al., J. Org. Chem., 1992, Vol. 57, pg. 1808 and Kazimierczuk et. al., JACS, 1984, Vol. 106, pg. 6379.

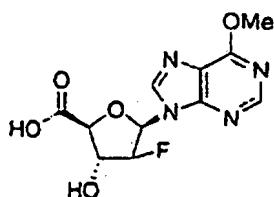
[0058] To a suspension of NaH (14 g, 60%) in Acetonitrile (900 mL), 6-chloropurine (52.6 g) was added in 3 portions. The mixture was stirred at room temperature for 1.5 h. A solution of 2 (258 mmol) in Acetonitrile (300 mL) was added dropwise. The resulting mixture was stirred at room temperature for 16 h. The reaction was quenched with Acetic acid (3.5 mL), filtered and concentrated under reduced pressure. The residue was partitioned between CH₂Cl₂ and water. The organic phase was dried over MgSO₄, filtered and concentrated. The residue was treated with CH₂Cl₂ and then EtOH (~1:2 overall) to precipitate out the desired product 3 as a yellowish solid (83 g, 65% from 1).



(4)

2-deoxy-2-fluoro- β -D-arabinofuranosyl-6-methoxyadenine (4)

[0059] To a suspension of 3 (83 g, 167 mmol) in Methanol (1 L) at 0°C, NaOMe (25% wt, 76 mL) was added. The mixture was stirred at room temperature for 2 h, and then quenched with Acetic acid (~ 11 mL, pH=7). The mixture was concentrated under reduced pressure and the resultant residue partitioned between hexane and water (approximately 500 mL hexane and 300 mL water). The aqueous layer was separated and the organic layer mixed with water once again (approximately 300 mL). The water fractions were combined and concentrated under reduced pressure to ~100 mL. The product, 4, precipitated out and was collected by filtration (42 g, 88%).

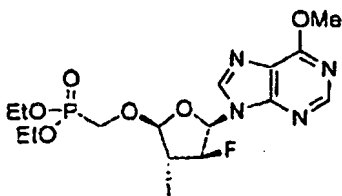


(5)

1-deoxy-2-fluoro-5-carboxy- β -D-arabinofuranosyl-6-methoxyadenine (5)

[0060] Compound (5) was synthesized according to the synthetic schemes disclosed in Moss et. al., J. Chem. Soc., 1963, pg. 1149.

[0061] A mixture of Pt/C (10%, 15 g (20-30% mol equiv.) as a water slurry) and NaHCO₃ (1.5 g, 17.94 mmol) in H₂O (500 mL) was stirred at 65°C under H₂ for 0.5 h. The reaction mixture was then allowed to cool, placed under a vacuum and flushed with N₂ several times to completely remove all H₂. Compound 4 (5.1 g, 17.94 mmol) was then added at room temperature. The reaction mixture was stirred at 65°C under O₂ (balloon) until the reaction was complete by LC-MS (typically 24-72h). The mixture was cooled to room temperature and filtered. The Pt/C was washed with H₂O extensively. The combined filtrates were concentrated to ~ 30 mL, and acidified (pH 4) by the addition of HCl (4N) at 0°C. A black solid precipitated out which was collected by filtration. The crude product was dissolved in a minimum amount of Methanol and filtered through a pad of silica gel (eluting with Methanol). The filtrate was concentrated and crystallized from water to give compound 5 (2.5 g) as an off-white solid.



(6)

(2'R, 3'S, 4'R, 5'R)-6-Methoxy-9-[tetrahydro 4-iodo-3-fluoro -5-(diethoxyphosphinyl)methoxy-2-furanyl]purine (6)

[0062] Compound (6) was synthesized according to the synthetic schemes disclosed in Zemlicka et al., J. Amer. Chem., Soc., 1972, Vol. 94, pg. 3213.

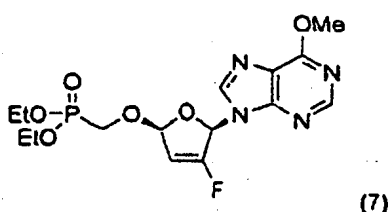
[0063] To a solution of 5 (22 g, 73.77 mmol) in DMF (400 mL), DMF dineopentyl acetal (150 mL, 538 mmol) and methanesulfonic acid (9.5 mL, 146.6 mmol) were added. The reaction mixture was stirred at 80-93°C (internal temperature) for 30 min, then cooled to room temperature and concentrated under reduced pressure. The residue was partitioned between ethyl acetate and water. The organic phase was separated and washed with NaHCO₃ followed by brine, dried over MgSO₄, filtered and concentrated under reduced pressure. The residue and diethyl (hydroxymethyl)phosphonate (33 mL, 225 mmol) were dissolved in CH₂Cl₂ (250 mL) and cooled down to -40°C. A solution of iodine monobromide

EP 2 307 435 B1

(30.5 g, 1.1 mol) in CH_2Cl_2 (100 mL) was added dropwise. The mixture was stirred at -20 to -5°C for 6 h. The reaction was then quenched with NaHCO_3 and $\text{Na}_2\text{S}_2\text{O}_3$. The organic phase was separated and the water phase was extracted with CH_2Cl_2 . The combined organic phases were washed with brine, dried over MgSO_4 , filtered and concentrated under reduced pressure. The residue was purified by silica gel chromatography to give product 6 (6 g, 15.3%).

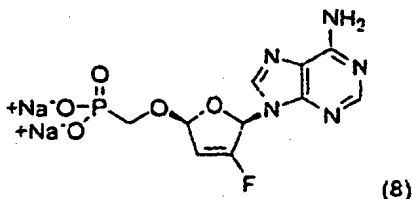
Alternative Procedure for the Preparation of 6

[0064] A solution of 5 (2.0 g, 6.7 mmol) in THF (45 mL) was treated with triphenyl phosphine (2.3 g, 8.7 mmol) under N_2 . Diisopropyl azodicarboxylate (1.8 g, 8.7 mmol) was added slowly. The resultant mixture was stirred at room temperature for 1 h and then concentrated under reduced pressure to dryness. The residue was dissolved in CH_2Cl_2 (20 mL), and then treated with diethyl(hydroxymethyl)phosphonate (4.5 g, 27 mmol). The mixture was cooled to -60°C and then a cold solution of iodine monobromide 2 g, 9.6 mmol) in CH_2Cl_2 (10 mL) was added. The reaction mixture was warmed to -10°C and then kept at -10°C for 1 h. The reaction mixture was diluted with CH_2Cl_2 , washed with saturated aqueous NaHCO_3 , and then with aqueous sodium thiosulfate. The organic phase was separated, dried over MgSO_4 , and concentrated under reduced pressure to dryness. The reaction mixture was purified by silica gel chromatography (eluting with 25% ethyl acetate in CH_2Cl_2 , then switching to 3% methanol in CH_3Cl_2) to afford product 6 (0.9 g, 33 %).



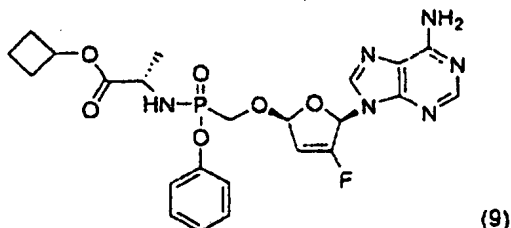
(2'R, 5'R)-6-Methoxy-9-[3-fluoro-2,5-dihydro-5-(diethoxyphosphiny)methoxy-2-furanyl]purine (7)

[0065] To a solution of compound 6 (6 g, 11.3 mmol) in acetic acid (2.5 mL) and methanol (50 mL), NaClO (10-13%) (50 mL) was added dropwise. The reaction mixture was then stirred for 0.5 h and concentrated under reduced pressure. The residue was treated with ethyl acetate and then filtered to remove solids. The filtrate was concentrated and the residue was purified by silica gel chromatography to give product 7 (4 g, 88%).



(2'R, 5'R)-9-(fluoro-2,5-dihydro-5-phosphonomethoxy-2-furanyl)adenine di sodium salt (8)

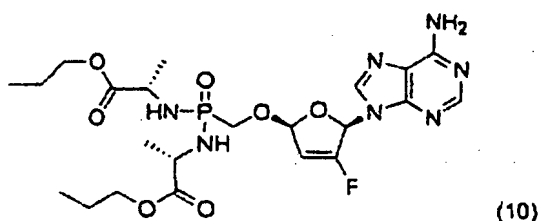
[0066] A solution of compound 7 (2.3 g, 5.7 mmol) in methanol (6 mL) was mixed with ammonium hydroxide (28-30%) (60 mL). The resultant mixture was stirred at 120°C for 4 h, cooled, and then concentrated under reduced pressure. The residue was dried under vacuum for 12 h. The residue was dissolved in DMF (40 mL) and bromotrimethylsilane (3.5 mL) was added. The mixture was stirred at room temperature for 16 h, and then concentrated under reduced pressure. The residue was dissolved in aqueous NaHCO_3 (2.3 g in 100 mL of water). The solution was evaporated and the residue was purified on C-18 (40 μm) column, eluting with water. The aqueous fractions were freeze dried to give di-sodium salt 8 (1.22 g, 57%).



EP 2 307 435 B1

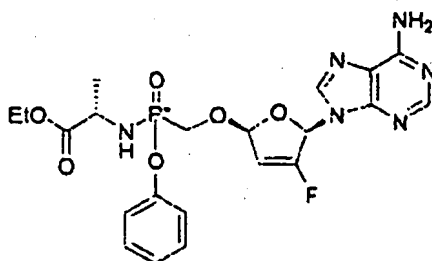
Example of Monoamidate Preparation (9)

[0067] Di sodium salt **8** (25 mg, 0.066 mmol), (S)-Ala-O-cyclobutyl ester hydrochloride (24 mg, 2 eq., 0.133 mmol) and phenol (31 mg, 0.333 mmol) were mixed in anhydrous pyridine (1 mL). Triethylamine (111 μ L, 0.799 mmol) was added and the resultant mixture was stirred at 60°C under nitrogen. In a separate flask, 2'-Aldrithiol (122 mg, 0.466 mmol) and triphenylphosphine (103 mg, 0.466 mmol) were dissolved in anhydrous pyridine (0.5 mL) and the resulting yellow solution was stirred for 15-20 min. The solution was then added to the solution of **8** in one portion. The combined mixture was stirred at 60°C under nitrogen for 16 h to give a clear yellow to light brown solution. The mixture was then concentrated under reduced pressure. The resultant oil was dissolved in CH_2Cl_2 and purified by silica gel chromatography (eluting with a linear gradient of 0 to 5% MeOH in CH_2Cl_2) to give an oil. The resulting oil was dissolved in acetonitrile and water and purified by preparative HPLC (linear gradient, 5-95% acetonitrile in water). Pure fractions were combined and freeze-dried to give mono amidate **9** as a white powder.



Example of bis amidate preparation (10)

[0068] Di sodium salt **8** (12 mg, 0.032 mmol) and (S)-Ala-O-n-Pr ester hydrochloride (32 mg, 6 eq., 0.192 mmol) were mixed in anhydrous pyridine (1 mL). Triethylamine (53 μ L, 0.384 mmol) was added and the resultant mixture was stirred at 60°C under nitrogen. In a separate flask, 2'-Aldrithiol (59 mg, 0.224 mmol) and triphenylphosphine (49 mg, 0.224 mmol) were dissolved in anhydrous pyridine (0.5 mL) and the resulting yellow solution was stirred for 15-20 min. The solution was then added to the solution of **8** in one portion. The combined mixture was stirred at 60°C under nitrogen for 16 h to give a clear yellow to light brown solution. The mixture was then concentrated under reduced pressure. The resultant oil was dissolved in CH_2Cl_2 and purified by silica gel chromatography (eluting with a linear gradient of 0 to 5% MeOH in CH_2Cl_2) to give an oil. The resulting oil was dissolved in acetonitrile and water and purified by preparative HPLC (linear gradient, 5-95% acetonitrile in water). Pure fractions were combined and freeze-dried to give bis amidate as a white powder.



Example of Monoamidate Preparation (11)

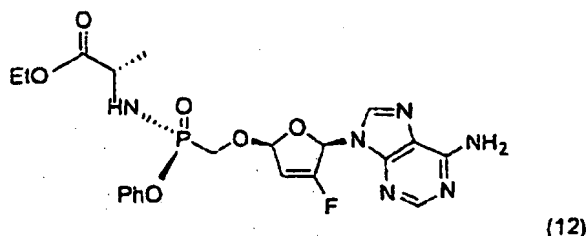
[0069] Compound **8** (1.5g, 4 mmol) was mixed with ethyl alanine ester HCl salt (1.23g, 8 mmol) and phenol (1.88 g, 20 mmol). Anhydrous pyridine (35 mL) was added followed by TEA (6.7 mL, 48 mmol). The mixture was stirred at 60°C under nitrogen for 15-20 min. 2'-Aldrithiol (7.3 g) was mixed in a separate flask with triphenylphosphine (6.2 g) in anhydrous pyridine (5 mL) and the resultant mixture was stirred for 10-15 min to give a clear light yellow solution. The solution was then added to the above mixture and stirred overnight at 60°C. The mixture was concentrated under reduced pressure to remove pyridine. The resultant residue was dissolved in ethyl acetate and washed with saturated sodium bicarbonate solution (2x) and then with saturated sodium chloride solution. The organic layer was dried over sodium sulfate, filtered and then concentrated under reduced pressure. The resultant oil was dissolved in dichloromethane and loaded onto a dry CombiFlash column, 40g, eluting with a linear gradient of 0-5% methanol in dichloromethane over 10 min and then 5% methanol in dichloromethane for 7-10 min. Fractions containing the desired product were combined and concentrated under reduced pressure to give a foam. The foam was dissolved in acetonitrile and purified by prep

HPLC to give **11** (0.95 g).

[0070] Dissolved **11** (950 mg) in small amount of acetonitrile and let stand at room temperature overnight. Collected solid by filtration and washed with small amount of acetonitrile. Filtrate was reduced under vacuum and then loaded onto Chiralpak AS-H column equilibrated in Buffer A, 2% ethanol in acetonitrile. Isomer A, **12**, was eluted out with Buffer A at 10mL/min for 17mins. After which Buffer B, 50% methanol in acetonitrile, was used to elute isomer B, **13**, separately out from the column in 8mins.

Removed all solvent and then separately re-dissolved in acetonitrile and water. Separately freeze-dried the samples (Mass - 348 mg). Isomer **12** is shown below

[0071]



Example 2. Screening Salt Forms of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate

[0072] The following acids were screened to determine whether they formed suitable crystalline salts of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate: Mineral acids (HX, wherein X = halogen; H_3PO_4); organic sulfonic acids (RSO_3H , wherein R = Me, Et, Ph, (+)-camphor-10-sulfonic acid; naphthalene-2-sulfonic acid; naphthalene-1,5-disulfonic acid); mono carboxylic acids (RCO_2H , wherein R = H, Me, Et, Ph, *trans*- $PhCH=CH$, Cl_2CH , $PhCONHCH_2$), and dicarboxylic acids (malonic, succinic, fumaric, adipic, oxalic, maleic).

[0073] Solids were obtained with three of the foregoing acids when mixed with Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate: trifluoroacetic acid, malonic acid, and succinic acid. Trifluoroacetic acid is not considered to be pharmaceutically acceptable.

[0074] Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate is an amidate prodrug which undergoes decomposition in protic solvents under acidic or basic conditions. For this reason, acids with potentially nucleophilic moieties were not included in the initial round of screening. Subsequently, citric acid, glycolic acid, (S)-(+)-lactic acid, salicylic acid, (S)-(-)-malic acid, (S)-(+)-mandelic acid and (S)-(+)-glutamic acid were evaluated. Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate unexpectedly formed a stable crystalline salt with citric acid. This was an unexpected result because citric acid includes a hydroxyl group which can act as a nucleophile toward the amidate moiety of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate and potentially undergo a reaction therewith in which a covalent bond is formed between Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate and the hydroxyl group of citric acid with the expulsion of either phenol or alanine ethyl ester.

Example 3. Synthesis of Malonate Salt of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate

[0075] The free base form of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate was dissolved in warm 2-butanone (15 parts), and malonic acid (0.26 parts) was added to form a solution with agitation. Heptane (5 parts) was added to the solution which was slowly cooled to about 5°C, collected and rinsed with cold 2-butanone/heptane. The resulting malonate salt of Ethyl N-[(S)-(((2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl)oxy)methyl]phenoxyphosphinoyl-L-alaninate was thereby produced with a yield of about 80%.

[0076] The NMR spectrum of the malonate salt had the following characteristics: 1H NMR (400MHz, $CHCl_3$ - d) ppm = 8.27 (s, 1 H), 8.26 (s, 1 H), 7.32 - 7.20 (m, 3 H), 7.15 (d, J = 7.8 Hz, 2 H), 6.78 (m, 1 H), 5.88 (br. s., 1 H), 5.78 (s, 1 H), 4.17 (m, 2 H), 4.15-4.07 (m, 3 H), 3.85 (dd, J = 8.0, 8.0, 1 H), 3.38 (s, 2 N), 1.31 (d, J = 7.0 Hz, 3 H), 1.23 (t, J = 7.0 Hz, 3 H)

EP 2 307 435 B1

³¹P NMR (162 MHz, CHLOROFORM-d) ppm = 20.64 (s)
¹⁹F NMR (376 MHz, ACETONITRILE-d3) ppm = -135.19 (s)

Example 4. Synthesis of Succinate Salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0077] The free base form of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate was dissolved in warm 2-butanone (15 parts), and succinic acid (0.28 parts) was added to form a solution with agitation. The solution was slowly cooled to about 5°C, collected, and rinsed with cold 2-butanone, thereby yielding the succinate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate at a yield of 80%.

[0078] The NMR spectrum of the succinate salt had the following characteristics: ¹H NMR (400MHz, ACETONITRILE-d3) ppm = 8.26 (s, 1H), 8.15 (s, 1H), 7.29 (dd, J = 7.6, 7.6 Hz, 2H), 7.16 (d, J = 7.6 Hz, 1H), 7.12 (d, J = 8.0 Hz, 2H), 6.78 (m, 1H), 6.17 (br s, 1H), 5.89 (m, 2H), 4.12 - 3.95 (overlapped multiplets, 6H), 2.53 (s, 4H), 1.34 (d, J = 6.8, 3H), 1.18 (t, J = 7.2, 3H).

³¹P NMR (162 MHz, Acetonitrile-d3) ppm = 21.60 (s)
¹⁹F NMR (376 MHz, Acetonitrile-d3) ppm = -135.19 (s)

Example 5. Synthesis of Citrate Salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0079] The free base form of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate (about 30g) was dissolved in hot acetonitrile (16 parts) and citric acid (0.38 parts) were added with agitation. The resulting solution was slowly cooled to about 5°C, collected and rinsed with cold acetonitrile, and dried, thereby affording the citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-3-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate with a yield of about 84%.

[0080] The NMR spectrum of the citrate salt had the following characteristics: ¹H NMR (400MHz, DMSO-d6) ppm = 8.20 (s, 2H), 7.45 (2H, br s), 7.29 (dd, J = 7.6, 7.6 Hz, 2H), 7.13 (dd, J = 7.2 Hz, J = 7.2 Hz 1H), 7.12 (dd, J = 8.0 Hz, J = 8.0 Hz 2H), 6.86 (d J = 3.4 Hz, 1H), 6.14 (s, 1H), 5.97 (d, J = 3.6 Hz, 1H), 5.78 (dd, J = 12.2, 10.4 Hz, 1H), 4.05 (m, 1H), 4.02 (m, 2H), 3.98 (m, 1H), 3.89 (m, 1H), 2.76 (d, J = 15.6 Hz, 2H), 2.66 (d, J = 15.6 Hz, 2H), 1.16 (d, J = 7.2 Hz, 1H).

³¹P NMR (162 MHz, DMSO-d6) ppm = 22.29 (s)
¹⁹F NMR (376 MHz, ACETONITRILE-d3) ppm = -133.88 (s)
HRMS: m/z: 507.1561.; Calcd for C₂₁H₂₄FN₆O₆P: 507.1557.
Anal. Calcd for C₂₁H₂₄FN₆O₆P: C: 46.42; H: 4.62; N: 12.03, P: 4.43; F: 2.72; Found: C: 45.83; H: 4.74; N: 11.81; P: 4.45; F: 2.80.

Example 6. Physicochemical Properties of Salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate

[0081] Representative batches of the malonate, succinate, and citrate salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate were prepared. The melting points of these salts were determined and serve as a rough measure of stability with a higher melting point indicating a higher level of stability. As shown in Table 1, the citrate salt had the highest melting point. Additionally, the heat of fusion (ΔH_{fusion}) of each of the three salts is shown in Table 1. The citrate salt had the highest heat of fusion indicating a higher degree of solid-state crystallinity than the other two salts.

Table 1. Melting Temperatures and Heat of Fusion of Succinate, Malonate and Citrate Salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate

Salt	Molecular Weight	$\Delta H_{\text{(fusion)}}$ J/g	T _m (°C)
Succinate Salt	624.52	58.85	138.06
Malonate Salt	610.49	66.10	120.13
Citrate Salt	698.56	127.59	149.76

[0082] The free base form of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is amorphous, hygroscopic and chemically unstable when stored under open

condition at 40°C and 75% relative humidity (RH). As shown in Table 2, the corresponding succinate, malonate and citrate salts were not hygroscopic at room temperature when exposed to a relative humidity of 92% for several days.

Table 2. Solid State Hygroscopicity of Salt Forms of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate at Room Temperature

Salt	Time (days)	20-25°C/92% RH
Succinate Salt	0	0.01
	13	0.010
Malonate Salt	0	0.02
	13	0.12
Citrate Salt	0	0.01
	25	0.02

[0083] The solid-state chemical stability of the free base, succinate, malonate and citrate salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate were examined under open conditions at 40°C and 75% relative humidity. As shown in Table 3, the citrate salt displayed superior chemical stability compared to the succinate and malonate salts.

Table 3. Solid State Stability of Free Base form of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate, and the corresponding Succinate, Citrate and Malonate Salts at 40 °C/75% Relative Humidity Under Open Conditions

Form	Time (days)	Free Base (%)	Other Impurities (%)
Free Base	0	99.01	0.99
	7	82.95	17.05
	14	66.89	33.11
	22	55.90	44.10
Succinate Salt	0	98.95	1.05
	9	95.15	4.85
	16	92.47	7.53
	22	90.43	9.57
	30	85.92	14.08
Malonate Salt	0	97.82	2.18
	9	94.66	5.34
	16	92.97	7.03
	30	93.48	6.52
	30	85.84	14.16
Citrate Salt	0	98.00	2.00
	4	97.27	2.73
	12	97.20	2.80
	17	95.86	4.14
	27	94.59	5.41

Example 7. Composition of Tablets Providing Equivalent of 10 mg and 30 mg of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate Free Base

[0084] The citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate was formulated into 10 mg and 30 mg tablets using the roller compaction process. The active ingredient, lactose anhydrous, microcrystalline cellulose and croscarmellose sodium were first blended, the mixture was then lubricated with one third of the total amount of magnesium stearate, then roller compacted, followed by milling. The resulting granules were lubricated with the remaining amount of magnesium stearate and pressed into tablets.

EP 2 307 435 B1

[0085] Table 4 shows the composition of tablets that include the citrate salt of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate, and that provide either 10 mg or 30 mg of the free base form of the compound when the citrate salt dissociates in an aqueous medium.

5 Table 4.

Components	% w/w	Tablet Unit Formula (mg/unit)		Compendial Reference	Function
		10 mg	30 mg		
Citrate Salt	13.79 ^a	13.79 ^{a,h}	4 1.37 ^{a,c}	HSE	Active Ingredient
Lactose Anhydrous ^d	66.00	66.00	198.00	NF	Diluent/Filler
Microcrystalline Cellulose	15.21	15.21	45.63	NF	Binder/Filler
Croscarmellose Sodium	3.50	3.50	10.50	NF	Disintegrant
Magnesium Stearate	1.50	1.50	4.50	NF	Lubricant
Total	100.00	100.00	300.00		

- 20 a Equivalent to 10% 2/2 of free base form of compound. Actual drug substance weight will be adjusted to account for drug substance purity.
- b Equivalent to 10 mg of free base form of compound.
- c Equivalent to 30 mg of free base form of compound.
- d The adjusted drug substance quantity will be subtracted from the quantity of anhydrous lactose.
- 25 c The abbreviation NF means national formulary, and the abbreviation HSE means House Compendial Reference which is the internal standard used at Gilead Sciences.

30 Reference Example 8. Comparison of Lymphocyte Loading of Active Metabolite After Administration to Lymphocytes of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate (Prodrug) or Parent Compound.

35 [0086] Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate is a prodrug that is hydrolyzed in the human body to yield a hydrolysis product that is hereinafter referred to as "the parent compound". The parent compound is phosphorylated within the human body to produce a biologically active phosphorylated product (hereinafter "the active metabolite") which inhibits the activity of reverse transcriptase enzyme.

40 [0087] To characterize the intracellular metabolism of the prodrug and parent compound, lymphocyte cells were treated with either 1 μM prodrug or 100 μM parent compound for 2, 6, and 24 hours. Peripheral blood mononuclear cells (PBMCs) were isolated from human buffy coats (Stanford Blood Bank, Palo Alto, CA) using centrifugation in Ficoll Paque Plus (GE Healthcare, Piscataway, NJ) according to manufacturer's procedure. PBMCs isolated from 3 to 4 independent donors were maintained in RPMI-1640 media with 20% fetal bovine serum and antibiotics (quiescent state) or were activated in the presence of interleukin 2 (20 units/mL, Roche Biochemicals, Indianapolis, IN) and phytohemagglutinin PHA-P (1 μg/mL, Sigma) for 3 to 4 days before the initiation of experiments.

45 [0088] Human transformed CCRF-CEM T-cells were obtained from The American Type Culture Collection (Manassas, VA) and cultured in RPMI-1640 medium supplemented with 10% FBS and antibiotics. An aliquot of cells (2-3x 10⁶ cells) was collected at each time point, counted, pelleted by centrifugation, resuspended in 0.5 mL of the original treatment media and layered onto 0.5 mL of Nyosil M25 oil. The samples were spun in a microcentrifuge for 20 seconds at the maximum speed (approximately 800 x g). The top layer of media was removed and the oil layer was washed twice with 0.8 mL phosphate-buffered saline. Washing buffer and the oil layer were carefully removed, the cell pellet was resuspended in 0.5 mL 70% methanol and incubated overnight at -70°C to facilitate cell lysis. Cell lysates were centrifuged, supernatants collected, dried by vacuum and resuspended in 10 μL tetrabutyl ammonium acetate containing the diphosphate of [5-(6-Amino-purin-9-yl)-2,5-dihydro-furan-2-yl]oxymethyl]-phosphonic acid (the non-fluorinated analog of the active metabolite) as an internal standard.

50 [0089] Transient ion-pairing high-performance liquid chromatography coupled to positive ion electrospray tandem mass spectrometry (LC/MS/MS) was used to quantitate intracellular nucleotides. Methods were adapted from those described for the acyclic phosphonate nucleotide analog adefovir, its phosphorylated metabolites and natural nucleotides (Vela, J.E. et al. Simultaneous quantitation of the nucleotide analog adefovir, its phosphorylated anabolites and 2'-

deoxyadenosine triphosphate by ion-pairing LC/MS/MS. Journal of Chromatography B Anal. Technol. Biomed. Life Sci., vol. 848, 2007, pp 335-343). Standard curves and quality control samples were generated for all analytes using extracts from untreated cells. Seven point standard curves generally ranged from 0.03 to 20 pmol/million cells and had linearity in excess of r^2 equal to 0.99 for all analytes. The lower limits of quantitations for all analytes ranged from 0.05 to 0.1 pmol/million cells. Low and high concentration quality control samples (typically 0.2 and 10 pmol/million cells, respectively) were run with each analyte at the beginning and end of each analytical run to assure accuracy and precision within 20%.
[0090] The parent compound was incubated at a 100-fold higher concentration (100 μ M) than the prodrug (1 μ M) to facilitate accurate analysis of the much lower intracellular accumulation of metabolites observed following incubation of lymphocytes with the parent compound. As shown in Table 5, the prodrug induced 76-, 290- and 140-fold increased levels of the active metabolite relative to the parent compound following incubation with CEM-CCRF, quiescent PBMCs and activated PBMCs, respectively. Active metabolite levels were normalized based on extracellular concentration following incubations with 1 μ M prodrug or with 100 μ M parent compound.

Table 5.

	Dose Normalized Active Metabolite Concentration ((pmol/million)/1 μ M media concentration)		
	CEM-CCRF	Quiscent PBMC	Activated PBMC
Parent Compound	0.087 $\pm$ 0.014	0.012 $\pm$ 0.004	0.045 $\pm$ 0.004
Prodrug	6.57 $\pm$ 1.00	3.52 $\pm$ 0.96	6.45 $\pm$ 1.64
Values represent the mean $\pm$ standard deviation of three independent experiments performed in duplicate			

Reference Example 9. Comparison of Anti-HIV Activity of the Prodrug and the Parent Compound.

[0091] The terms "prodrug" and "parent compound" have the meanings set forth in Example 8.
[0092] MT-2 cells were maintained in RPMI-1640 medium supplemented with antibiotics and 10% fetal bovine serum (FBS). MT-2 cells were infected with HIV-1 IIIB at a multiplicity of infection (moi) of 0.01 and added to 96-well plates with serial dilutions of tested compounds at a density of 20,000 cells/well. After a 5-day incubation, the virus-induced cytopathic effect was determined using a CellTiter-GloTM cell viability assay (Promega, Madison, WI) and expressed as a percentage of the signal from samples with fully suppressed virus replication after the subtraction of signal from the untreated control. The concentration of each drug that inhibited the virus-induced cytopathic effect by 50% (EC_{50}) was determined by non-linear regression. Activity against NRTI-resistant mutants was determined in parallel with wild-type control virus and fold change in EC_{50} was calculated.
[0093] Human peripheral blood mononuclear cells (PBMC) were isolated from donor buffy coats using centrifugation in Ficoll Paque Plus and activated for 4-5 days in RPMI-1640 medium with 20% FBS, antibiotics, interleukin-2 (20 units/mL) and phytohemagglutinine PHA-P (1 μ g/mL). Activated PBMC were infected with HIV-1 BaL for 3 hours, washed, seeded into 96-well plates (250,000 cells/well) and incubated with serial dilutions of tested compounds for 5 days, at which point cell supernatants were collected and virus production was determined using commercial HIV-1 p24 ELISA (Beckman Coulter, Miami, FL). The concentration of each drug inhibiting the p24 antigen production by 50% (EC_{50}) was determined by regression analysis.
[0094] The effect of the addition of pro-moieties on the anti-HIV activity was assessed in MT-2 and stimulated PBMC infected with HIV-1. As shown in Table 6, the prodrug was 71- and 2,300-fold more potent than the parent compound in MT-2 and activated PBMC, respectively.

Table 6. Anti-HIV-1 activity of the prodrug and the parent compound in a lymphoid derived cell line and primary lymphoid cells.

	EC_{50} (μ M)	
	MT-2	PBMC
Parent Compound	10.6 $\pm$ 2.4	8.5 $\pm$ 7.7
Prodrug	0.15 $\pm$ 0.04	0.003 $\pm$ 0.0001
Values represent the mean $\pm$ standard deviation from at least two dependent experiments performed in triplicate.		

EP 2 307 435 B1

Example 10. Oral Bioavailability of the Citrate Salt of Ethyl N-[(S){[(2R,5R)-5-(6-amine-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-aianinate After Administration in Tablet Form to Beagle Dogs

[0095] The dosing group consisted of 3 non-naive male beagle dogs. The animals were fasted overnight prior to dose administration and up to 4 hr after dosing. Dogs were administered a single tablet containing 41.38 mg of the citrate salt of the prodrug (providing 30 mg of the prodrug per tablet). The tablet consisted of 13.79% of the citrate salt of the prodrug, 66% anhydrous lactose, 15.21% microcrystalline cellulose, 3.5% sodium croscamellose and 1.5% Magnesium stearate on a weight per weight basis. Plasma samples were obtained prior to dosing (0 hr) and at 0.083, 0.25, 0.50, 1.0, 2.0, 4.0, 8.0, 12, 24 hr. The blood samples were collected into Vacutainer™ tubes containing EDTA-K₃. The blood samples were centrifuged at 4°C to separate plasma. An aliquot of 100 µl of each plasma sample was first diluted with 300 µl 80% acetonitrile/water containing 200 nM internal standard. Following centrifugation of the protein precipitate, 100 µl of the supernatant was removed and used for analysis. Standard curves and quality control samples were prepared in dog plasma from animals not dosed with the prodrug. Samples were analyzed by a partially validated liquid chromatography couple to triple quadrupole mass spectrometry method.

[0096] Administration of the citrate salt of the prodrug as a tablet resulted in rapid absorption of the prodrug and the parent compound derived from the prodrug. As summarized in Table 7, plasma exposure to the prodrug and the parent compound was observed following administration. The oral bioavailability of intact prodrug was 11.4%. These results were not markedly different from those observed following oral administration of the prodrug in a solution formulation, illustrating the effectiveness of the tablets containing the citrate salt of the prodrug to deliver the prodrug and its metabolites into the systemic circulation.

Table 7. Mean Plasma Pharmacokinetic Parameters for the Prodrug and the Parent Compound Following Oral Administration of a Tablet Formulation of the Citrate Salt of the Prodrug at a mean dose of 3.05 mg/kg equivalents (Mean, n=3)

Parameter	Value	
	Prodrug	Parent Compound
T _{max} (hr)	0.58	2.33
C _{max} (nM)	1,560	959
AUC ₀₋₄ (nM•hr)	587	7,600
AUC ₀₋₈ (nM•hr)	608	9,630
t _{1/2} (hr)	0.289	11.7
% Fa	11.4	Not Determined
^a Calculated based on a mean plasma AUC ₀₋₁ of 818 nM•hr observed following a 30 minute intravenous Infusion of 0.5 mg/kg GS-9131 to beagle dogs.		

Example 11. Differential Scanning Calorimetry (DSC) of Citrate, Malonate and Succinate Salts of Ethyl N-[(S){[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0097] Differential scanning calorimetry accurately measures temperatures and heat flow associated with thermal transitions in a material. The DSC traces of the inventive salts of Ethyl N-[(S){[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate were generated using a TA Instrument (New Castle, DE) DSC 2010 at a scan rate of 5°C min⁻¹. Figure 1 shows the characteristic DSC trace for the malonate salt of Ethyl N-[(S){[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate. The DSC thermogram revealed a single endotherm corresponding to the melting point (120.43°C, ΔH_f = 73.72 J/g) followed by a single exotherm corresponding to the decomposition of the malonate salt.

[0098] Figure 2 shows the characteristic DSC trace for the succinate salt of Ethyl N-[(S){[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate. The DSC thermogram of the succinate salt of GS-9131 revealed a single emdotherm corresponding to the melting point (137.44°C, ΔH_f = 66.18 J/g) followed by a single exotherm corresponding to the decomposition of the salt.

[0099] Figure 3 shows the characteristic DSC trace for the citrate salt of Ethyl N-[(S){[(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy) methyl]phenoxyphosphinoyl]-L-alaninate. The DSC thermogram of the citrate salt revealed a single endotherm corresponding to the melting point (149.41°C, ΔH_f = 85.72 J/g) followed by a single exotherm corresponding to the decomposition of the citrate salt.

[0100] The citrate salt has a significantly greater heat of fusion than the malonate and succinate salts, indicating a higher degree of solid-state crystallinity.

Example 12. X-Ray Diffraction (XRD) Analysis of the Citrate, Malonate and Succinate Salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate.

[0101] The X-ray powder diffraction (XRPD) patterns of the inventive salts of Ethyl N-[(S)([(2R,5R)-5-(6-amino-9H-purin-9-yl)-4-fluoro-2,5-dihydrofuran-2-yl]oxy)methyl]phenoxyphosphinoyl]-L-alaninate were generated using two methods. In the first method, a Shimadzu XRD 6000 instrument with the following attributes was used: Cu X-ray tube, 2.2KW, NF (normal focus); monochromator curved graphite; goniometer vertical, 185 mm radius; divergence slits: 0.5°, 1.0°, 0.05 mm; soller slits: 0.05°, 1°, 2°; receiving slits: 0.15 mm, 0.3 mm; scintillation detector (NaI) HV 500-1200.

[0102] In the second method, a Shimadzu XRD 6000 instrument with the following attributes was used: Cu target X-ray tube, 35 kv, current 40 ma: continuous scan, monochromator, divergence slit, 1°; soller slit 1°. receiving slit 0.3 mm. XRPD data for the malonate and succinate salts were obtained using method 1. XRPD data for the citrate salt was obtained using method 2.

[0103] It is understood that experimental deviations can slightly change the XRPD absorption band (peak) information. Thus, the numbers reported in this patent resulting from XRPD patterns of the inventive salts will be the same or essentially the same as the numbers which will occur upon repeating the tests. "Essentially the same" in this context means that typical peak position and intensity variability are taken into account (as they normally would be for any analytical technique). For example, one skilled in the art will appreciate that the peak positions will show some inter-apparatus variability. For example, the 2-theta peak positions typically deviate by as much as 0.1 degrees. Further, one skilled in the art will appreciate that relative peak intensities will also show variability due to the degree of crystallinity, preferred orientation, prepared sample surface, and other factors known in the art. Thus, the relative peak intensities should be taken as qualitative measure only.

[0104] Figure 4 shows the characteristic XRPD pattern for the malonate salt. The principal and characteristic peaks that define this crystalline form of the malonate salt are shown in Tables 8A and 8B.

Table 8A

Malonate Salt PXRD Peaks				
Strongest Peaks	2Theta (deg)	d (Å)	FWHM (deg)	Integrated Int
1	17.76	4.9912	0.3190	16049
2	14.92	5.9342	0.3023	14513
3	18.80	4.7163	0.6572	21597

Table 8B

... Basic Data Process ...								
Group name		:						
Data Name		: 34984 B						
File Name		: 349848. PKP.						
Sample Name		: Lot #		2587-168-17				
Comment		:		Salts	USP	<941>		
μ Strongest no.								
	peak no.	3peaks2Theta (deg)	d (Å)	1/11	FMHM (deg)	Intensity (Counts)	Integrated Int (Counts)	
1	13	17.7561	4.99119	100	0.31900	947	16049	
2	12	14.3168	5.53423	92	0.30230	867	24513	
3	15	18.8000	4.71634	80	0.65720	758	21597	

EP 2 307 435 B1

(continued)

μ Peak Data List :

	peak no.	2Theta (deg)	d (A)	I/I1	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
5	1	4.7340	18.65124	1	0.16140	9	69
	2	5.9215	14.91331	11	0.26490	100	1723
	3	7.0000	12.61783	3	0.20660	29	563
	4	7.6504	11.69922	25	0.44910	279	6489
10	5	9.1500	9.65724	8	0.42000	76	1779
	6	10.5600	8.37073	4	0.18660	34	468
	7	11.0208	8.02175	34	0.29110	323	4468
	8	11.1600	7.92200	30	0.56800	287	7708
15	9	12.6400	6.99756	16	0.35600	147	2545
	10	12.8400	6.88901	20	0.27840	191	2234
	11	14.5200	6.09549	9	0.16800	87	1282
	12	14.9168	5.93423	92	0.30230	867	14513
	13	17.7561	4.99119	100	0.31900	947	16049
20	14	18.3000	4.84405	73	0.40260	692	12656
	15	18.8000	4.71634	80	0.65720	758	21597
	16	19.2077	4.61714	41	0.36220	387	6608
	11	19.5800	4.53018	63	0.34720	593	11731
25	18	20.0200	4.43159	14	0.15560	130	1783
	19	20.7824	4.27071	24	0.54170	223	6510
	20	22.0122	4.03499	26	0.47750	250	6040
	21	22.4800	3.95190	22	0.45260	211	4333
	22	23.3273	3.81023	18	0.29470	171	2718
30	23	24.1490	3.68242	24	0.51800	232	6302
	24	25.3900	3.50653	44	0.43120	413	14100
	25	25.8930	3.43822	44	0.27980	419	5539
	26	26.2380	3.39378	24	0.79670	227	8510
35	27	26.8200	3.32144	40	0.61720	383	13675
	28	27.3087	3.26310	14	0.49680	130	3097
	29	27.7600	3.21107	18	0.42180	175	4241
	30	28.8185	3.08501	27	0.54570	258	5924
	31	29.3200	3.04367	11	0.30660	104	2021
40	32	30.3600	2.94173	13	0.65340	119	4194
	33	31.1400	2.86980	17	0.56000	159	4356
	34	32.0000	2.79461	3	0.14140	25	165
	35	32.8233	2.72637	10	0.39330	95	1976
45	36	33.8725	2.64428	7	0.55500	64	1859

[0105] Figure 5 shows the characteristic XRPD pattern for the succinate salt. The principal and characteristic peaks that define this crystalline font of the succinate salt are shown in Tables 9A and 9B.

Table 9 A

Succinate Salt PXRD Peaks				
Strongest Peaks	2Theta (deg)	d (A)	FWHM (deg)	Integrated int
1	24.91	3.5716	1.1300	409.91
2	18.46	4.8024	3.7340	166.39

EP 2 307 435 B1

(continued)

Succinate Salt PXRD Peaks				
Strongest Peaks	2Theta (deg)	d (A)	FWHM (deg)	Integrated int
3	17.76	4.9901	3.4162	9106

Table 9B

*** Basic Data Process ***

Group Name :
Data Name : 34984A
File Name : 34364A. PKR
Sample Name Lot# 2587-166-27
Comment : Salts USP <941>

Strongest 3 peaks

# no.	peak no.	2Theta (deg)	d (A)	I/II	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
1	10	24.9100	3.57161	100	1.13000	590	40991
2	7	18.4600	9.80243	81	0.73400	480	16639
3	6	17.7600	4.99010	79	0.41620	464	9106

Peak Data List

peak no.	2Theta (deg)	d (A)	I/II	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
1	6.0033	14.71029	7	0.64670	43	1492
2	9.4308	9.37032	12	1.24830	69	4432
3	11.7717	7.51169	33	1.08060	195	11923
4	14.7400	6.00500	10	0.60000	60	4288
5	16.0720	5.51020	9	0.55380	56	1470
6	17.7600	4.99010	79	0.41620	464	9106
7	18.4600	4.80243	62	0.73400	480	16639
8	20.4772	4.33367	57	0.87020	337	13869
9	21.4293	4.14323	43	0.40730	252	4832
10	24.9100	3.57161	100	1.13000	590	40991
11	26.1400	3.40628	36	2.92000	212	21498
12	27.9400	1.19079	15	1.47000	66	8157
13	29.7800	2.99769	9	0.31340	53	779
14	30.9200	2.88972	7	1.28000	40	3619
15	33.2233	2.69446	9	1.09670	49	2527

[0106] Figure 6 shows the characteristic XRPD pattern for the citrate salt. The principal and characteristic peaks that define this crystalline form of the citrate salt are shown in Tables 10A and 10B.

Table 10A

Citrate Salt PXRD Peaks				
Strongest Peaks	2Theta (deg)	d (A)	FWHM (deg)	Integrated Int
1	19.81	4.4784	0.2635	14837
2	28.63	3.1155	0.3312	13074
3	14.64	6.0465	0.2473	10572

EP 2 307 435 B1

Table 10B

*** Basic Data Process ***

5	Group Name :							
	Data Name	25614A						
	File Name	: 35614A_						
		PKR						
	Sample Name :	Lot#	2782-78-32					
10	Comment	:	USP <941>					
	# Strongest 3 peaks							
	no.	peak no.	2Theta (deg)	d (A)	I/It	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
	1	21	19.7858	4.48352	100	0.26810	1443	20538
15	2	3U	23.9400	3.72944	55	0.33400	793	14567
	3	35	26.5965	3.34884	51	0.31810	734	11131
	# Peak Data List							
		peak no.	2Theta (deg)	d (A)	I/It	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
20		1	6.7400	13.10398	3	0.16360	47	456
		2	6.9496	12.70922	6	0.21930	87	864
		3	8.2200	10.74765	6	0.23320	81	1414
		4	8.4436	10.46352	18	0.22630	253	2802
25		5	9.0566	9.75662	6	0.22460	89	1279
		6	11.0600	7.95341	4	0.18000	62	762
		7	11.2871	7.83306	16	0.23720	238	2770
		8	11.8800	7.44345	4	0.19560	52	603
		9	12.0508	7.33833	8	0.25030	11.4	1167
30		10	13.1691	6.71758	16	0.22170	229	3085
		11	13.9959	6.32255	29	0.23910	358	5182
		12	14.6151	6.05604	33	0.26400	470	7221
		13	15.4624	5.72604	25	0.30010	356	5658
35		14	15.8200	5.59740	3	0.18800	49	832
		15	16.9600	5.22364	26	0.27100	277	5496
		16	17.3474	5.10185	46	0.26120	668	9289
		17	18.0000	4.92411	19	0.19920	271	3037
		18	18.2200	4.86514	31	0.20420	465	5224
40		19	18.7154	4.73746	4	0.21420	51	606
		20	19.2200	4.61421	10	0.19200	146	2871
		21	19.7858	4.46252	100	0.26810	1443	20538
		22	20.0800	4.41849	38	0.19360	546	6060
45		23	20.9315	4.32233	32	0.32250	455	7724
		24	21.1200	4.20320	8	0.25500	114	1667
		25	21.4000	4.14883	16	0.26760	235	3054
		26	21.6913	4.05682	10	0.26260	141	2250
		27	22.8001	3.89713	13	0.30110	161	2641
50		28	23.2200	3.82760	3	0.19760	50	746
		29	23.3691	3.60351	6	0.16040	83	625
		30	23.8400	3.72944	55	0.33400	793	14567
		21	24.1000	3.67776	26	0.12300	390	4146
55		32	25.0296	3.55482	8	0.32290	119	2002

(continued)

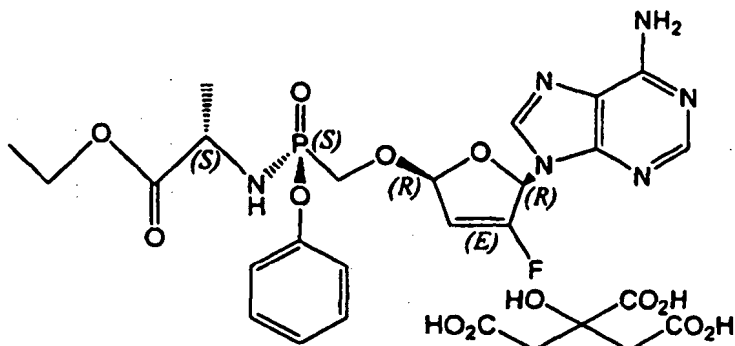
Peak Data List

	peak no.	2Theta (deg)	d (Å)	I/I _t	FWHM (deg)	Intensity (Counts)	Integrated Int (Counts)
5	33	25.6031	3.47648	7	0.22090	102	1365
	34	26.2800	3.36845	26	0.30180	379	5591
	35	26.5965	3.34884	51	0.31810	734	11131
	36	27.4848	3.24259	6	0.20170	63	1222
10	37	28.1600	3.16636	4	0.09340	58	441
	38	28.5989	3.11875	46	0.33280	668	12909
	39	29.0464	3.07151	9	0.23960	127	1440
	40	29.5600	3.01950	20	0.48340	290	6624
15	41	29.8800	2.98789	16	0.14600	235	2012
	42	30.4400	2.93419	3	0.09340	44	274
	43	30.7800	2.90254	11	0.10020	255	737
	44	31.0600	2.67703	16	0.19060	233	3504
	45	31.3400	2.85195	4	0.18000	55	802
20	46	31.5800	2.83082	4	0.12960	54	357
	47	31.8602	2.80656	12	0.36550	172	2804
	48	32.2200	2.77603	4	0.095880	55	482
	49	23.0800	2.70580	2	0.09060	50	366
25	50	33.2668	2.69103	5	0.12920	65	453
	51	33.5521	2.66571	7	0.36840	108	2006
	52	24.3755	2.60673	6	0.15550	63	1053

Claims

1. A citrate salt of formula I or a hydrate thereof:

(I)



2. The salt or hydrate of claim 1, characterized by being crystalline.

3. The salt of claim 2, characterized by spectral d-spacing absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 4.48, 3.12 and 6.05 angstroms.

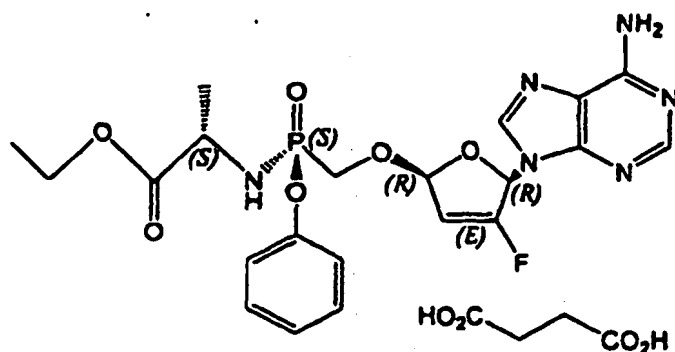
4. The salt of claim 2, characterized by 2-theta diffraction angle absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 19.81, 28.63 and 14.64 degrees.

5. The hydrate of claim 2, characterized in being partially or fully hydrated.

6. The salt of claim 2, characterized in being anhydrous or essentially anhydrous.

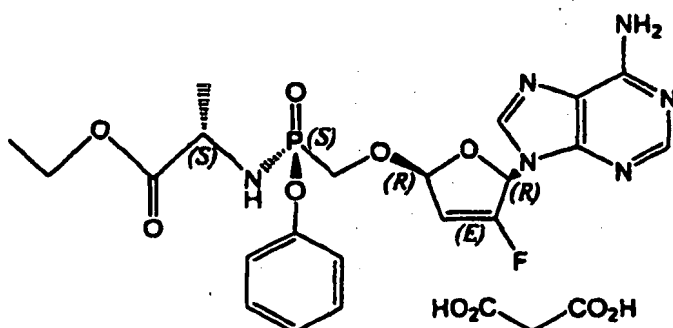
7. A succinate salt of formula II or a hydrate thereof:

(II)



8. The salt or hydrate of claim 17, **characterized by** being crystalline.
9. The salt of claim 8, **characterized by** spectral d-spacing absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 3.57, 4.80 and 4.99 angstroms.
10. The salt of claim 8, **characterized by** 2-theta diffraction angle absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 24.91, 18.46 and 17.76 degrees.
11. A malonate salt of formula III or a hydrate thereof:

(III)

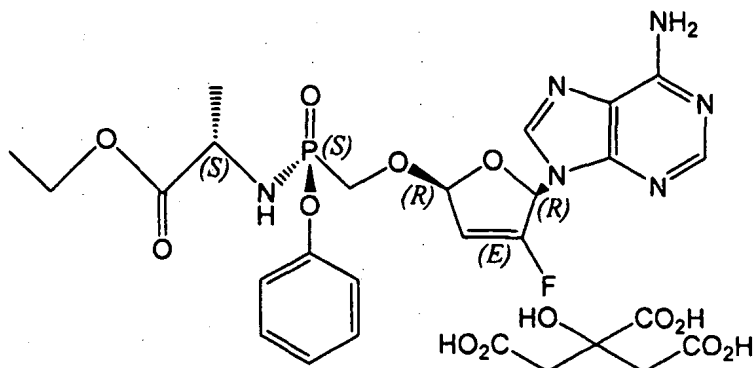


12. The salt or hydrate of claim 11, **characterized by** being crystalline.
13. The salt of claim 12, **characterized by** spectral d-spacing absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 4.99, 5.93 and 4.72 angstroms.
14. The salt of claim 12, **characterized by** 2-theta diffraction angle absorption bands obtained from an X-ray powder diffraction pattern of the same or essentially the same as 17.76, 14.92 and 18.80 degrees.
15. A pharmaceutical composition comprising a therapeutically effective amount of the salt or hydrate of any one of claims 1-14 and a pharmaceutically acceptable carrier or excipient.
16. The pharmaceutical composition of claim 15, further comprising an additional therapeutic agent.
17. The pharmaceutical composition of claim 16, wherein the additional therapeutic agent has activity against HIV.
18. A salt or hydrate of any one of claims 1-14 for use in treating or prophylactically preventing an HIV infection.

Patentansprüche

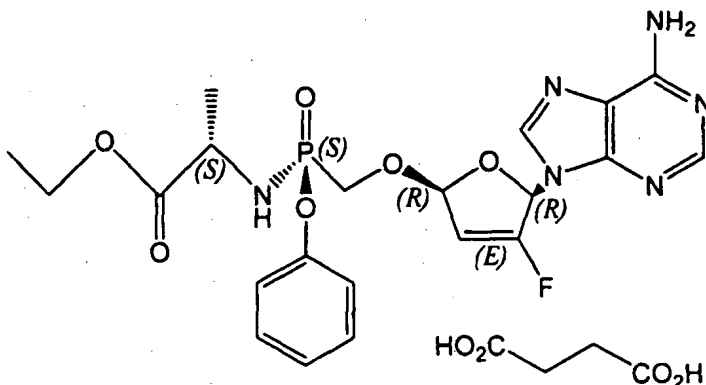
1. Citratsalz der Formel I oder ein Hydrat davon:

(I)



2. Salz oder Hydrat nach Anspruch 1, **dadurch gekennzeichnet, dass** es kristallin ist.
3. Salz nach Anspruch 2, **gekennzeichnet durch** spektrale Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit d-Netzebenenabständen, die genau oder im wesentlichen 4,48, 3,12 und 6,05 Ångström entsprechen.
4. Salz nach Anspruch 2, **gekennzeichnet durch** Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit 2-Theta-Diffraktionswinkeln, die genau oder im wesentlichen 19,81, 28,63 und 14,64 Grad entsprechen.
5. Hydrat nach Anspruch 2, **dadurch gekennzeichnet, daß** es teilweise oder vollständig hydratisiert ist.
6. Salz nach Anspruch 2, **dadurch gekennzeichnet, dass** es wasserfrei oder im wesentlichen wasserfrei ist.
7. Succinatsalz der Formel II oder ein Hydrat davon:

(II)



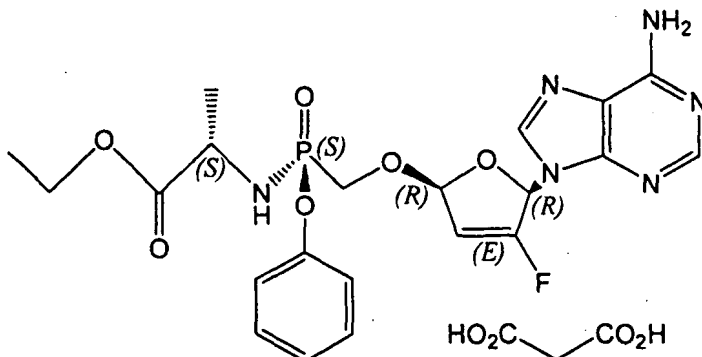
8. Salz oder Hydrat nach Anspruch 7, **dadurch gekennzeichnet, dass** es kristallin ist.
9. Salz nach Anspruch 8, **gekennzeichnet durch** spektrale Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit d-Netzebenenabständen, die genau oder im wesentlichen 3,57, 4,80 und 4,99 Ångström entsprechen.
10. Salz nach Anspruch 8, **gekennzeichnet durch** Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit 2-Theta-Diffraktionswinkeln, die genau oder im wesentlichen 24,91, 18,46 und 17,76 Grad entsprechen.

EP 2 307 435 B1

Grad entsprechen.

11. Malonatsalz der Formel III oder ein Hydrat davon:

(III)



12. Salz oder Hydrat nach Anspruch 11, **dadurch gekennzeichnet, dass** es kristallin ist.

13. Salz nach Anspruch 12, **gekennzeichnet durch** spektrale Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit d-Netzebenenabständen, die genau oder im wesentlichen 4,99, 5,93 und 4,72 Ångström entsprechen.

14. Salz nach Anspruch 12, **gekennzeichnet durch** Absorptionsbanden, die aus einem Röntgendiffraktogramm des Salzes erhalten wurden, mit 2-Theta-Diffraktionswinkeln, die genau oder im wesentlichen 17,76, 14,92 und 18,80 Grad entsprechen.

15. Pharmazeutische Zusammensetzung, umfassend eine therapeutisch wirksame Menge des Salzes oder Hydrates nach einem der Ansprüche 1-14 und einen pharmazeutisch akzeptablen Träger oder Exzipienten.

16. Pharmazeutische Zusammensetzung nach Anspruch 15, weiterhin umfassend ein zusätzliches therapeutisches Mittel.

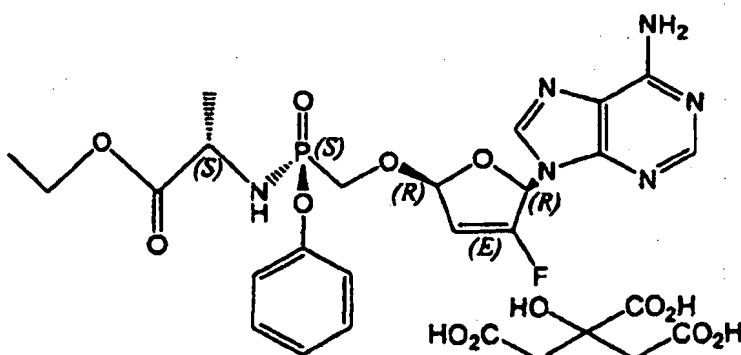
17. Pharmazeutische Zusammensetzung nach Anspruch 16, wobei das zusätzliche therapeutische Mittel Aktivität gegen HIV aufweist.

18. Salz oder Hydrat nach einem der Ansprüche 1-14 zur Verwendung bei der Behandlung oder Prophylaxe einer HIV-Infektion.

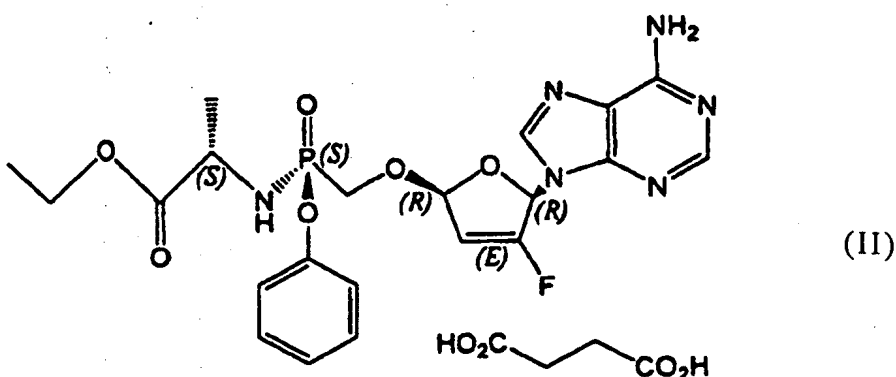
Revendications

1. Sel citrate de formule I, ou hydrate de ce sel :

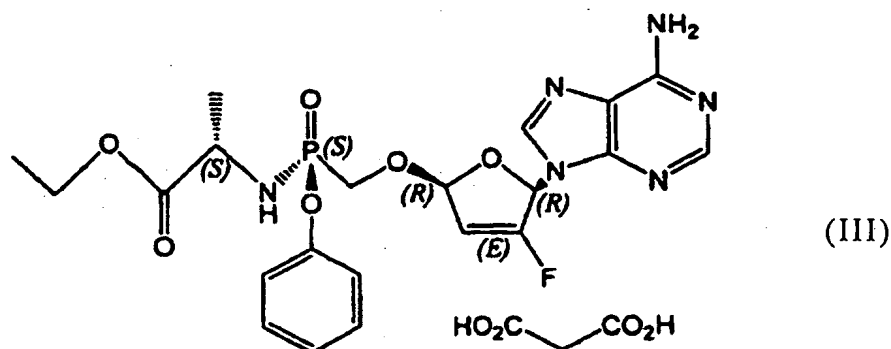
(I)



2. Sel ou hydrate conforme à la revendication 1, **caractérisé en ce qu'il est cristallisé.**
3. Sel conforme à la revendication 2, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction des rayons X à l'état de poudre, correspondant à des distances spectrales d égales ou pratiquement égales à 4,48, 3,12 et 6,05 angströms.
4. Sel conforme à la revendication 2, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction des rayons X à l'état de poudre, correspondant à des angles de diffraction 2θ égaux ou pratiquement égaux à 19,81, 28,63 et 14,64 degrés.
5. Hydrate conforme à la revendication 2, **caractérisé en ce qu'il s'agit d'un hydrate total ou d'un hydrate partiel.**
6. Sel conforme à la revendication 2, **caractérisé en ce qu'il est anhydre ou pratiquement anhydre.**
7. Sel succinate de formule II, ou hydrate de ce sel :



8. Sel ou hydrate conforme à la revendication 7, **caractérisé en ce qu'il est cristallisé.**
9. Sel conforme à la revendication 8, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction des rayons X à l'état de poudre, correspondant à des distances spectrales d égales ou pratiquement égales à 3,57, 4,80 et 4,99 angströms.
10. Sel conforme à la revendication 8, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction des rayons X à l'état de poudre, correspondant à des angles de diffraction 2θ égaux ou pratiquement égaux à 24,91, 18,46 et 17,76 degrés.
11. Sel malonate de formule III, ou hydrate de ce sel :



12. Sel ou hydrate conforme à la revendication 11, **caractérisé en ce qu'il est cristallisé.**
13. Sel conforme à la revendication 12, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction

EP 2 307 435 B1

des rayons X à l'état de poudre, correspondant à des distances spectrales d égales ou pratiquement égales à 4,99, 5,93 et 4,72 angströms.

- 5
- 10
- 15
- 20
- 25
- 30
- 35
- 40
- 45
- 50
- 55
- 14. Sel conforme à la revendication 12, **caractérisé par** des bandes d'absorption, dans un diagramme de diffraction des rayons X à l'état de poudre, correspondant à des angles de diffraction 2θ égaux ou pratiquement égaux à 17,76, 14,92 et 18,80 degrés.
 - 15. Composition pharmaceutique comprenant, en une quantité à effet thérapeutique, un sel ou un hydrate conforme à l'une des revendications 1 à 14, et un véhicule ou excipient pharmacologiquement admissible.
 - 16. Composition pharmaceutique conforme à la revendication 15, qui comporte en outre un agent thérapeutique supplémentaire.
 - 17. Composition pharmaceutique conforme à la revendication 16, dans laquelle l'agent thérapeutique supplémentaire est actif contre le VIH.
 - 18. Sel ou hydrate conforme à l'une des revendications 1 à 14, pour utilisation dans le traitement ou la prévention prophylactique d'une infection par le VIH.

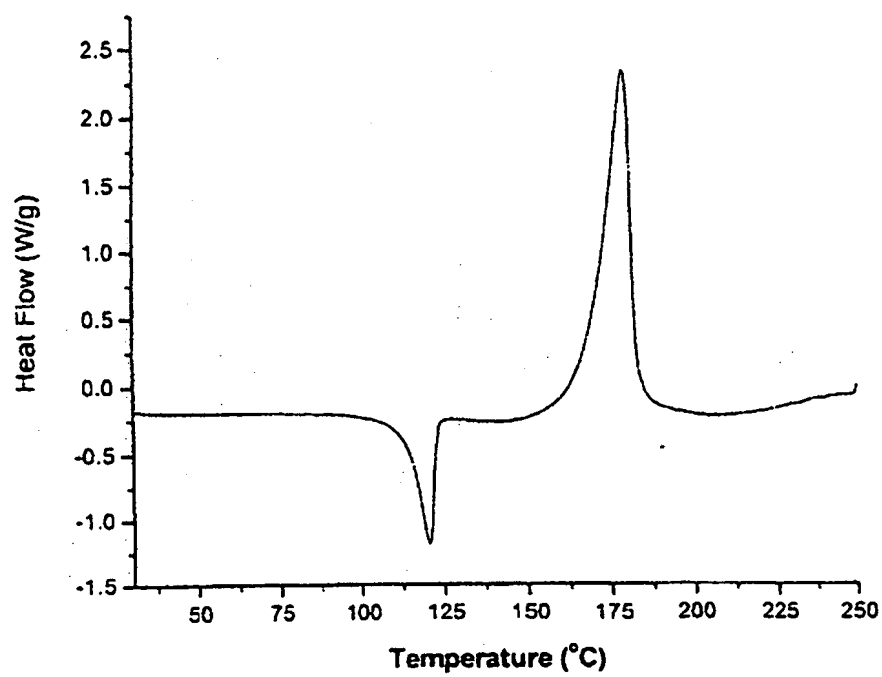


Figure 1/6

EP 2 307 435 B1

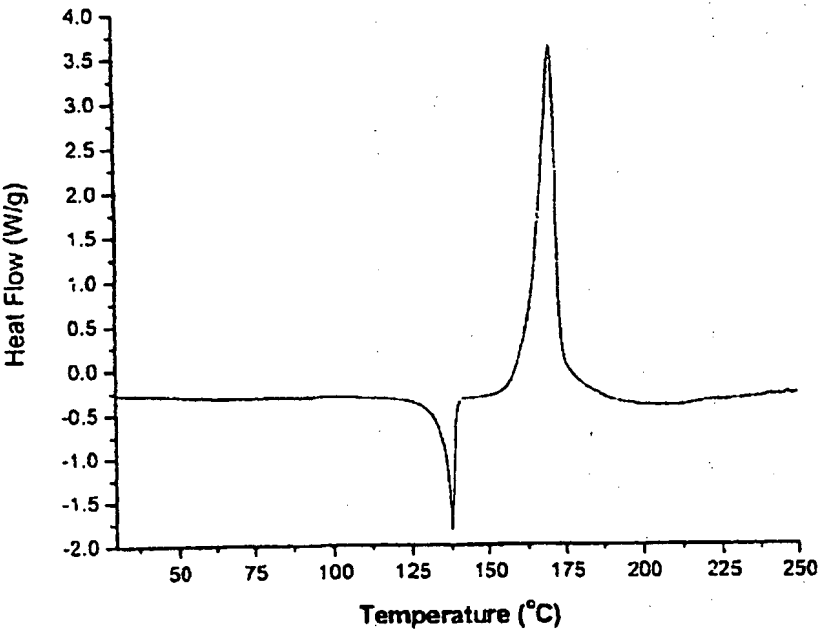


Figure 2/6

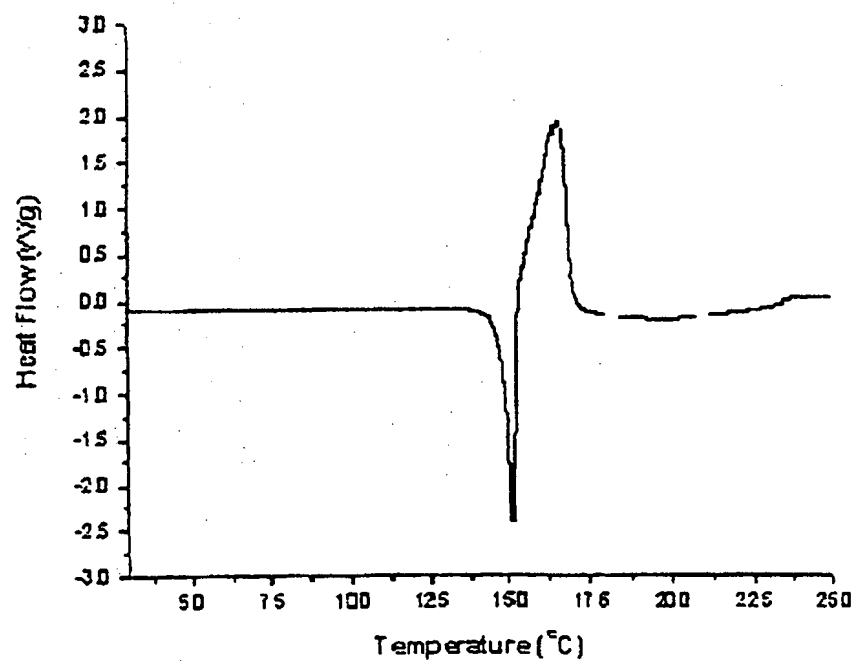


Figure 3/6

EP 2 307 435 B1

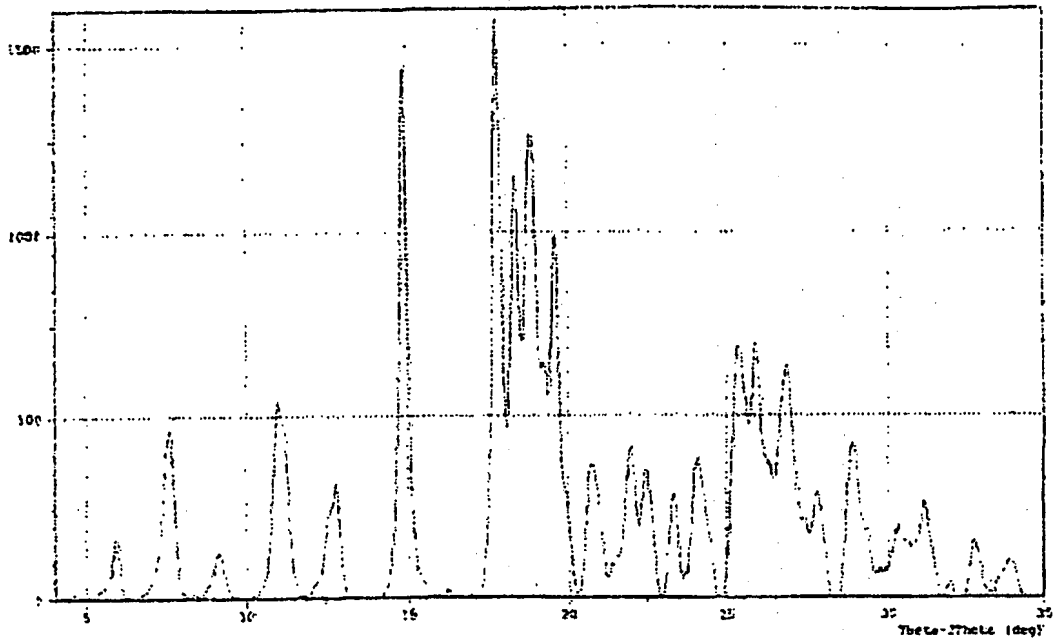


Figure 4/6

EP 2 307 435 B1

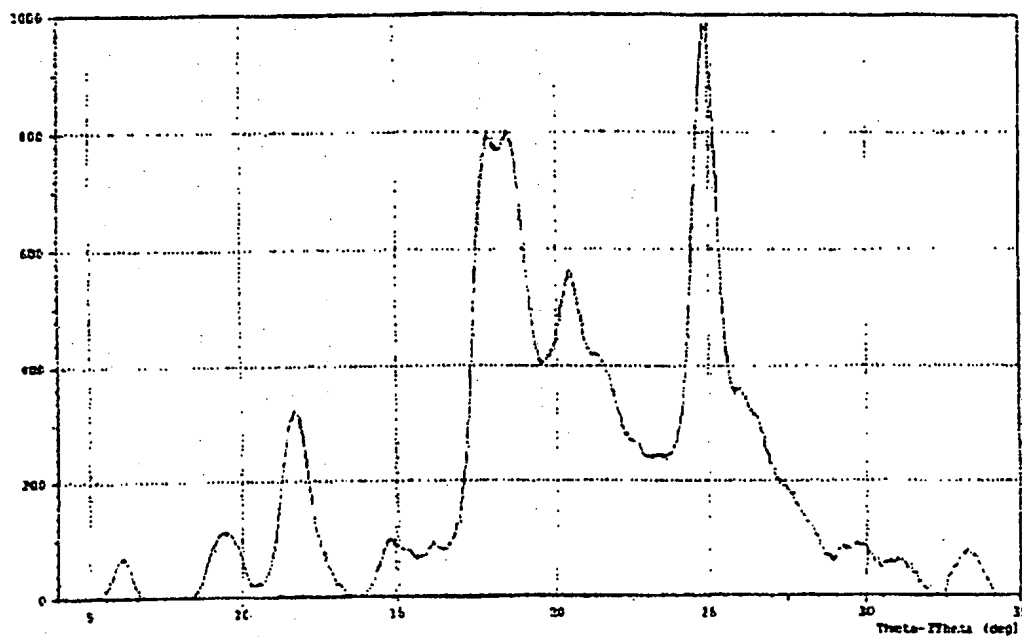


Figure 5/6

EP 2 307 435 B1

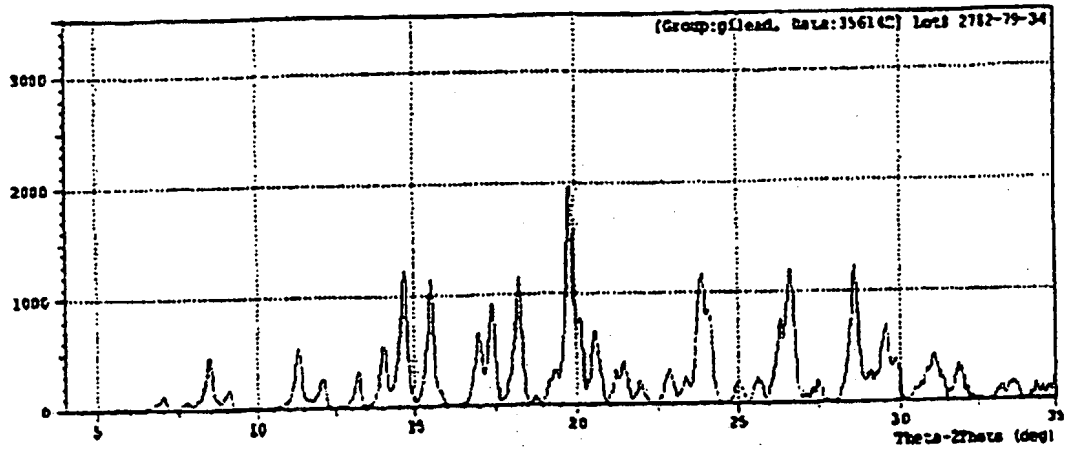


Figure 6/6

REFERENCES CITED IN THE DESCRIPTION

This list of references cited by the applicant is for the reader's convenience only. It does not form part of the European patent document. Even though great care has been taken in compiling the references, errors or omissions cannot be excluded and the EPO disclaims all liability in this regard.

Patent documents cited in the description

- WO 2006015261 A [0004]
- WO 2006110157 A [0004]
- US 5034394 A [0050]
- US 4724233 A [0050]
- US 5646180 A [0050]
- US 5849911 A [0050]
- US 5563142 A [0050]
- US 5028595 A [0050]
- US 4861759 A [0050]
- US 5519021 A [0050]
- US 6642245 B [0050]
- US 6436989 B [0050]
- US 6476009 B [0050]
- US 5413999 A [0050]
- US 5047407 A [0050]
- US 4724232 A [0050]
- US 5541206 A [0050]
- US 5484926 A [0050]
- US 5366972 A [0050]
- US 5196438 A [0050]
- US 4978655 A [0050]
- US 5210085 A [0050]

Non-patent literature cited in the description

- R.C. Rowe et al. Handbook of Pharmaceutical Excipients. Pharmaceutical Press, 2006 [0026]
- Remington's Pharmaceutical Sciences. Mack Publishing Co, [0027]
- Tann. JOC, 1985, vol. 50, 3644 [0054]
- Howell. JOC, 1988, vol. 53, 85 [0054]
- Ma. J. Med. Chem., 1997, vol. 40, 2750 [0057]
- Marquez. J. Med. Chem., 1990, vol. 33, 978 [0057]
- Hildebrand. J. Org. Chem., 1992, vol. 57, 1808 [0057]
- Kazimierczuk. JACS, 1984, vol. 106, 6379 [0057]
- Moss. J. Chem. Soc., 1963, 1149 [0060]
- Zemlicka et al. J. Amer. Chem. Soc., 1972, vol. 94, 3213 [0062]
- Vela, J.E. et al. Simultaneous quantitation of the nucleotide analog adefovir, its phosphorylated anabolites and 2'-deoxyadenosine triphosphate by ion-pairing LC/MS/MS. Journal of Chromatography B Anal. Technol. Biomed. Life Sci., 2007, vol. 848, 335-343 [0089]