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Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Señor

**SUPERINTENDENTE DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES**

E S D

REF	Expediente No	03-011 003
	Patente de Invencion	"MÉTODOS PARA MODULAR PROTEÍNAS KINASA DE LINAJE MÚLTIPLE Y PARA ESTUDIAR COMPUESTOS QUE MODULAN PROTEÍNAS KINASA DE LINAJE MÚLTIPLE"
	Titular	CEPHALON, INC

DESTINO 09

HUMBERTO RUBIO CAMACHO, mayor de edad, domiciliado en Bogotá, D.C., identificado con la cédula de ciudadanía numero 17 192 062 de Bogotá, abogado Titulado con Tarjeta Profesional No 50 007 del Consejo Superior de la Judicatura, actuando en caracter de APODERADO de la Sociedad CEPHALON, INC, domiciliada en 145 Brandywine Parkway, West Chester, Pennsylvania, Estados Unidos de America, debidamente reconocido por su Despacho, me permito anexar

- 1 - Copia del Examen Preliminar correspondiente a la solicitud PCT/US01/24822 de 08 de agosto de 2 001
- 2 - Teniendo en cuenta lo anterior solicito se continúe con el tramite correspondiente

Del Señor Superintendente,


HUMBERTO RUBIO CAMACHO
C C 17 192 062 de Bogotá
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de la Judicatura
COD 4134

03/1522-01/PI/cpfm -

PATENT COOPERATION TREATY

14 256
SEM/DAZ/ES3From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

MS

To
SUZANNE E MILLER
WOODCOCK WASHBURN KURTZ MACKIEWICZ &
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ONE LIBERTY PLACE 46TH FLOOR
PHILADELPHIA, PA 19103

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

RECEIVED

MAY 21 2004

(PCT Rule 71.1)

Date of Mailing

Woodcock Washburn

20 MAY 2004

Applicant's or agent's file reference

CEPH 1553

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US01/24822

08 August 2001 (08 08 2001)

11 August 2000 (11 08 2000)

Applicant

CEPHALON INC

- 1 The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes if any established on the international application.
- 2 A copy of the report and its annexes, if any is being transmitted to the International Bureau for communication to all the elected Offices
- 3 Where required by any of the elected Offices the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices
- 4 REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301)

Where a translation of the international application must be furnished to an elected Office that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

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Name and mailing address of the IPEA/US

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P O. Box 1430
Alexandria Virginia 22313-1430

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Form PCT/IPEA/416 (July 1992)

Authorized officer

Jon P Weber Ph.D

Telephone No 571 272-0700

Janice Ford
for

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CEPH 1553		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No PCT/US01/24822	International filing date (day/month/year) 08 August 2001 (08.08.2001)	Priority date (day/month/year) 11 August 2000 (11.08.2000)	
International Patent Classification (IPC) or national classification and IPC IPC(7) C12Q 1/48, G01N 33/68 and US Cl. 435/15 514/338 410			
Applicant CEPHALON INC			
1 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36 2 This REPORT consists of a total of <u>3</u> sheets including this cover sheet ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT) These annexes consist of a total of <u>0</u> sheets			
3 This report contains indications relating to the following items I ☒ Basis of the report II ☐ Priority III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability IV ☐ Lack of unity of invention V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement VI ☐ Certain documents cited VII ☐ Certain defects in the international application VIII ☐ Certain observations on the international application			
Date of submission of the demand 08 March 2002 (08.03.2002)		Date of completion of this report 03 March 2004 (03.03.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT Attn. IPEA/US Commissioner for Patents P.O. Box 1430 Alexandria, Virginia 22313-1430 Facsimile No. (703) 305-3230		Authorized officer Jon P Weber Ph.D <i>Janice Ford</i> Telephone No. 571 272-0700	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No

PCT/US01/24822

I Basis of the report

1 With regard to the elements of the international application *

- ☒ the international application as originally filed
- ☒ the description
 pages 1-81 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☒ the claims
 pages 82-90 as originally filed
 pages NONE as amended (together with any statement) under Article 19
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☒ the drawings
 pages 1-25 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☐ the sequence listing part of the description
 pages NONE as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____

2 With regard to the language all the elements marked above were available or furnished to this Authority in the language in which the international application was filed unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23 1(b))
- ☐ the language of publication of the international application (under Rule 48 3(b))
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55 2 and/or 55 3)

3 With regard to any nucleotide and/or amino acid sequence disclosed in the international application the international preliminary examination was carried out on the basis of the sequence listing

- ☐ contained in the international application in printed form
- ☐ filed together with the international application in computer readable form
- ☐ furnished subsequently to this Authority in written form
- ☐ furnished subsequently to this Authority in computer readable form
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4 ☐ The amendments have resulted in the cancellation of

- ☐ the description pages NONE
- ☐ the claims Nos NONE
- ☐ the drawings sheets/fig NONE

5 ☐ This report has been established as if (some of) the amendments had not been made since they have been considered to go beyond the disclosure as filed as indicated in the Supplemental Box (Rule 70 2(c)) **

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70 16 and 70 17)

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/24822**V Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1 STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-12</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1 12</u>	NO
Industrial Applicability (IA)	Claims <u>1 12</u>	YES
	Claims <u>NONE</u>	NO

2 CITATIONS AND EXPLANATIONS

Claims 1-12 lack novelty and inventive step under PCT Article 33(2) and (3) as being anticipated by and obvious over Maroney et al (WO 00/13015)

Maroney et al (WO 00/13015) clearly describe methods of identifying compounds which modulate the activity of multiple lineage kinase activity (e.g. abstract) especially inhibition, and using fused pyrrolocarbazole compounds to treat various neurodegenerative disorders including AIDS dementia (paragraph bridging pages 14-15). The same fused pyrrolocarbazole structures as instantly claimed are presented throughout the description of Maroney et al (WO 00/13015)

Claims 1-5 lack novelty and inventive step under PCT Article 33(2) and (3) as being anticipated by and obvious over Liu YF (WO 99/58982)

Liu, YF (WO 99/58982) clearly describe methods of identifying compounds which modulate the activity of multiple lineage kinase activity (e.g. abstract) especially inhibition, and using identified compounds to treat various neurodegenerative disorders including AIDS dementia (page 5 lines 16 to page 6 line 7)

Claims 5-12 lack novelty and inventive step under PCT Article 33(2) and (3) as being anticipated by and obvious over Lewis et al (US 5 756,494)

Lewis et al (US 5 756,494) disclose using fused pyrrolocarbazole compounds to treat various neurodegenerative disorders, including AIDS dementia (paragraph bridging pages 14-15). The same fused pyrrolocarbazole structures as instantly claimed are presented throughout the description of Lewis et al. Although the compounds are not disclosed to inhibit MLK, they are disclosed to inhibit closely related kinases. Further the same compounds are administered in the same way to treat the same disorders. Accordingly the method is inherently disclosed despite that the mechanism via MLK inhibition is not disclosed.

Claims 5-12 lack novelty and inventive step under PCT Article 33(2) and (3) as being anticipated by Hudkins et al (US 5 705,511)

Hudkins et al (US 5 705,511) disclose using fused pyrrolocarbazole compounds to treat various neurodegenerative disorders, including AIDS dementia (column 16 lines 6-25). The same fused pyrrolocarbazole structures as instantly claimed are presented throughout the description of Hudkins et al. Although the compounds are not disclosed to inhibit MLK, they are disclosed to inhibit closely related kinases. Further the same compounds are administered in the same way to treat the same disorders. Accordingly the method is inherently disclosed despite that the mechanism via MLK inhibition is not disclosed.

Claims 1-12 meet industrial applicability as defined by PCT Article 33(4). The compounds have potential use in treating neurodegenerative disorders.

----- NEW CITATIONS -----