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Superintendencia de Industria y Comercio
E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 06-098638- -00004-0000

Fecha: 2008-05-28 16:53:54 Dep. 2020 NUECREACION
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 538 PLIICION Folios: 2

Trámite : 011 Evento : 378 Actuación : 538

Referencia : Expediente No. 06098638
Asunto : Solicitud de patente para **COMPOSICIONES Y
METODOS PARA DIAGNOSTICO TOPICO Y TRANSPORTE
TERAPEUTICO**
Solicitante : **REVANCE THERAPEUTICS, INC.**
Publicada en : La Gaceta No. 582 del 30 de noviembre de 2007

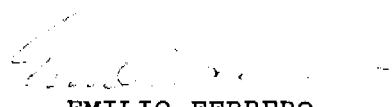
SOLICITUD EXAMEN DE PATENTABILIDAD

1. Yo, Emilio FERRERO, identificado como aparece al pie de mi firma, actuando como apoderado de la sociedad **REVANCE THERAPEUTICS, INC.**, atentamente solicito se efectúe el examen de patentabilidad de la solicitud en referencia presentada de acuerdo con las reglas del Capítulo I del PCT y según lo establecido en el artículo 44 de la Decisión 486 de la Comisión de la Comunidad Andina.

Para tal efecto presento junto con este escrito el recibo por valor de la tasa legal fijada para el efecto según lo dispuesto en la Resolución No. 44372 del 26 de diciembre de 2007.

2. Por lo anterior, comedidamente solicito se prosiga con el trámite de este asunto.

Señora Jefe,


EMILIO FERRERO

T.P.A. No. 31.929

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COLO-15550-841-002-6

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

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***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
CAVELIER ABOGADOS	CONSIGNACION	BANCO DE BOGOTA	062754387	773183	06/05/2008	40,376,500.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-04	PRESENTACION DE OBSERVACIONES	
		12 MARCAS Y LEMAS COMERCIALES	266,000.00
		TOTAL :	\$ 266,000.00

SON: DOSCIENTOS SESENTA Y SEIS MIL PESOS

RESPONSABLE :

Coto 15277-841-003-4

RECIBO DE CAJA APLICADO AL EXPEDIENTE No. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

ACTO DE PATENTE

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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FECHA ORIGINAL DE PATENTE : 05 07/777
NOMBRE : MARCO ANTONIO GARCIA

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DIRECCIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 6-98638

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCION**

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **582** DE

FECHA **30 DE NOVIEMBRE DE 2007** EL TÉRMINO HÁBIL SEÑALADO POR LA

LEY EXPIRA EL **27 DE FEBRERO DE 2008**

NOTA: Dentro del plazo de los seis (6) meses siguientes a partir de la fecha de publicación en la gaceta de Propiedad Industrial, deberá solicitar y cancelar el examen de patentabilidad so pena de que la solicitud caiga en abandono, de acuerdo con lo establecido en el Artículo 44 de la Decisión 486/2000.

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

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4 September 2003 (04.09.2003)

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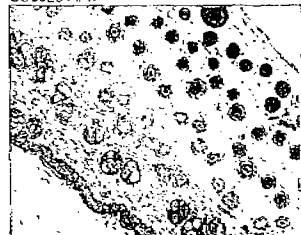
- (51) International Patent Classification: A61K (74) Agents: ACKERMAN, Joel et al.; Townsend And Townsend And Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834 (US).
- (21) International Application Number: PCT/US03/05564
- (22) International Filing Date: 21 February 2003 (21.02.2003) (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GR, GM, GU, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MY, NZ, OM, PA, PE, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SI, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
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- (71) Applicant (for all designated States except US): ESSENTIA BIOSYSTEMS, INC. [US/US]; 1928B Old Middlefield Way, Mountain View, CA 94043 (US).
- (72) Inventors; and (75) Inventors/Applicants (for US only): WAUGH, Jacob [US/US]; 402013 Canine Road, No. 2204, Palo Alto, CA 94306 (US); DAKE, Michael [US/US]; 665 Geron Road, Stanford, CA 94305 (US).
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- Declaration under Rule 4.17:
of inventorship (Rule 4.17(iv)) for US only

[Continued on next page]

(54) Title: INDUCTION OF HAIR GROWTH WITH VASCULAR ENDOTHELIAL GROWTH FACTOR

Representative photos

Representative photomicrographs (100x) of mouse skin, each photo from a different animal depicting follicle size, hair diameter within follicles, and blank follicles.

A - VEGF + poly-K + moisturizer:
SUBJECT #1:

(57) Abstract: A method for inducing or stimulating new hair growth, increasing hair growth or preventing hair regression in a mammalian subject in need of or desiring of such treatment is provided that comprises administering to the subject a pharmaceutically or cosmetically effective amount of a composition comprising vascular endothelial growth factor (VEGF), a VEGF receptor agonist, a prodrug form of the foregoing or a salt form thereof in a non-covalent association complex with a positively charged backbone having a plurality of attached efficiency groups.

WO 03/072049

PCT/US03/05564

microbeads, muds, oils and pastes, ointments, patches, powders, roller sticks, salves, soaps and surfactants, sprays, etc. Gels that are suitable for use in the present invention include those described in U.S. Pat. No. 6,333,057 at col. 6, lines 6-19, which passage is incorporated by reference herein. Microspheres that are suitable for use with the present invention can comprise controlled release microspheres or microbeads, although capsule- and disk-shaped devices can also be used. The foregoing micro devices can be comprised of biodegradable or bioerodable polymers, examples of which include poly (lactic-co-glycolides) (PLGAs), polyethylene glycols (PEGs), polyanhydrides and polyorthoesters, etc. As release methods are directly related to polymer degradation, the optimal micro device shape for a given polymer will depend upon its degradation mechanism, as will be understood by those knowledgeable in the relevant art. According to one embodiment, the hair growth inducing compositions of the present invention are provided in a topical moisturizer base that comprises microspheres.

According to the methods of the present invention, the VEGF² hair growth inducing medicaments can be administered to a subject utilizing any of a number of different methods, examples of which include topical application or by injection. When the compositions of the present invention are desired for subcutaneous administration, they can be provided in solution form for injection by needle. Administration can be via single injection or take place throughout a course of multiple injections. In one embodiment, the compositions of the present invention are provided in sterile form for subcutaneous injection. According to a preferred embodiment, the compositions of the present invention are applied topically.

Compositions

The present invention also provides compositions comprising a pharmaceutically or cosmetically acceptable carrier and an effective amount of vascular endothelial growth factor (VEGF), VEGF derivatives, VEGF fragments, VEGF receptor agonists, prodrug forms of the foregoing or salt forms thereof in a non-covalent association complex with a positively-charged backbone having a plurality of attached efficiency groups, the amount being effective for inducing or stimulating new hair growth, increasing hair growth or preventing hair regression in a mammalian subject. The positively-charged backbone comprises a polymer having attached positively-

charged branching groups. According to a preferred embodiment, the compositions of the present invention comprise VEGF or VEGF receptor agonists in concentrations that are from about 1.0×10^{-36} M to about 1.0×10^4 M; preferably from about 1.0×10^{-28} M to about 1.0×10^3 M and most preferably from about 1×10^{-26} M to about 1.0×10^2 M. According to a

5 preferred embodiment of the invention, the inventive VEGF or VEGF receptor agonist compositions are applied topically. For topical applications, the concentration of VEGF or VEGF receptor agonist is from about 1.0×10^{-25} M to about 10.0 M, preferably from about 1.0×10^{-22} M to about 1.0 M and most preferably from about 1.0×10^{-18} M to about 0.1 M. The ranges provided above illustrate ranges that are generally applicable across
10 the entire class of active agents. Depending on the agent used, the formulation and method of administration, ranges will often be selected by the skilled practitioner from, for example, 1.0×10^{-25} M to about 1.0×10^{-22} M, 1.0×10^{-22} M to about 1.0×10^{-19} M, 1.0×10^{-19} M to about 1.0×10^{-16} M, 1.0×10^{-16} M to about 1.0×10^{-13} M, 1.0×10^{-13} M to about 1.0×10^{-10} M, 1.0×10^{-10} M to about 1.0×10^{-7} M, 1.0×10^{-7} M to about 1.0×10^{-4}
15 M, and 1.0×10^{-4} M to about 1.0×10^{-1} M.

The positively-charged backbone is typically a linear chain of atoms, either with groups in the chain carrying a positive charge at physiological pH, or with groups carrying a positive charge attached to side chains extending from the backbone. The linear backbone is a hydrocarbon backbone which is, in some embodiments,
20 interrupted by heteroatoms selected from nitrogen, oxygen, sulfur, silicon and phosphorus. The majority of backbone chain atoms are usually carbon atoms. Additionally, the backbone will often be a polymer of repeating units (e.g., amino acids, poly(ethyleneoxy), poly(propyleneamine), and the like). In one group of embodiments, the positively-charged backbone is a polypropyleneamine wherein a number of the amine
25 nitrogen atoms are present as ammonium groups (tetra-substituted) carrying a positive charge. In another group of embodiments, the backbone has attached a plurality of side chain moieties that include positively charged groups (e.g., ammonium groups, pyridinium groups, phosphonium groups, sulfonium groups, guanidinium groups, or amidinium groups). The side chain moieties in this group of embodiments can be placed
30 at spacings along the backbone that are consistent or variable in separation. Additionally, the length of the side chains can be similar or dissimilar. For example, in one group of

embodiments, the side chains can be linear or branched hydrocarbon chains having from one to twenty carbon atoms and terminating at the distal end (away from the backbone) in one of the above-noted positively-charged groups.

In one group of embodiments, the positively-charged backbone is a
5 polypeptide having multiple positively charged side chain groups (e.g., lysine, arginine, ornithine, homoarginine, and the like). One of skill in the art will appreciate that when amino acids are used in this portion of the invention, the side chains can have either the D- or L-form (R or S configuration) at the center of attachment.

Alternatively, the backbone can be an analog of a polypeptide such as a
10 peptoid. See, for example, Kessler, *Angew. Chem. Int. Ed. Engl.* **32**:543 (1993); Zuckermann, *et al.*, *Chemtracts-Macromol. Chem.* **4**:80 (1992); and Simon, *et al.*, *Proc. Nat'l. Acad. Sci. USA* **89**:9367 (1992). Briefly, a peptoid is a polyglycine in which the side chain is attached to the backbone nitrogen atoms rather than the α -carbon atoms. As above, a portion of the side chains will typically terminate in a positively charged group
15 to provide a positively charged backbone component. Synthesis of peptoids is described in, for example, U.S. Patent No. 5,877,278. As the term is used herein, positively charged backbones that have a peptoid backbone construction are considered "non-peptide" as they are not composed of amino acids having naturally occurring side chains at the α -carbon locations.

20 A variety of other backbones can be used employing, for example, steric or electronic mimics of polypeptides wherein the amide linkages of the peptide are replaced with surrogates such as ester linkages, thioamides (-CSNH-), reversed thioamide (-NHCS-), aminomethylene (-NHCH₂-) or the reversed methyleneamino (-CH₂NH-) groups, keto-methylene (-COCH₂-) groups, phosphinate (-PO₂RCH₂-), phosphonamidate
25 and phosphonamidate ester (-PO₂RNH-), reverse peptide (-NHCO-), trans-alkene (-CR=CH-), fluoroalkene (-CF=CH-), dimethylene (-CH₂CH₂-), thioether (-CH₂S-), hydroxyethylene (-CH(OH)CH₂-), methyleneoxy (-CH₂O-), tetrazole (CN₄), sulfonamido (-SO₂NH-), methylenesulfonamido (-CHRSO₂NH-), reversed sulfonamide (-NHSO₂-), and backbones with malonate and/or gem-diamino-alkyl subunits, for example, as
30 reviewed by Fletcher, *et al.*, ((1998) *Chem. Rev.* **98**:763) and detailed by references cited

therein. Many of the foregoing substitutions result in approximately isosteric polymer backbones relative to backbones formed from α -amino acids.

In each of the backbones provided above, side chain groups can be appended that carry a positively charged group. For example, the sulfonamide-linked backbones ($-\text{SO}_2\text{NH}-$ and $-\text{NHSO}_2-$) can have side chain groups attached to the nitrogen atoms. Similarly, the hydroxyethylene ($-\text{CH}(\text{OH})\text{CH}_2-$) linkage can bear a side chain group attached to the hydroxy substituent. One of skill in the art can readily adapt the other linkage chemistries to provide positively charged side chain groups using standard synthetic methods.

In a particularly preferred embodiment, the positively charged backbone is a polypeptide having branching groups (also referred to as efficiency groups) comprising $-(\text{gly})_{n1}-(\text{arg})_{n2}$, HIV-TAT or fragments thereof, in which the subscript $n1$ is an integer of from 0 to 20, more preferably 0 to 8, still more preferably 2 to 5, and the subscript $n2$ is an odd integer of from about 5 to about 25, more preferably about 7 to about 17, most preferably about 7 to about 13. Still further preferred are those embodiments in which the HIV-TAT fragment has the formula $(\text{gly})_p\text{-RGRDDRRQRRR-(gly)}_q$ or $(\text{gly})_p\text{-YGRKKRRQRRR-(gly)}_q$ wherein the subscripts p and q are each independently an integer of from 0 to 20 and the fragment is attached to the backbone via either the C-terminus or the N-terminus of the fragment. Preferred HIV-TAT fragments are those in which the subscripts p and q are each independently integers of from 0 to 8, more preferably 2 to 5.

In another particularly preferred embodiment, the backbone portion is a polylysine and positively charged branching groups are attached to the lysine side chain amino groups. The polylysine used in this particularly preferred embodiment can be any of the commercially available polylysines such as, for example, polylysine having MW > 70,000, polylysine having MW of 70,000 to 150,000, polylysine having MW 150,000 to 300,000 and polylysine having MW > 300,000 (available, for example, from Sigma Chemical Company, St. Louis, Missouri, USA). The appropriate selection of a polylysine will depend on the remaining components of the composition and will be sufficient to provide an overall net positive charge to the composition and provide a length that is preferably from one to four times the combined length of the negatively charged components. Preferred positively charged branching groups or efficiency groups include,

for example, --gly-gly-arg-arg-arg-arg-arg-arg-arg (-gly₃arg₇) or HIV-TAT.

According to one embodiment, the degree of saturation of -gly₃arg₇ branching groups is from about 5 % to about 30% (i.e., from about 5 to about 30 of each 100 lysine residues is conjugated to a -gly₃arg₇). According to a more preferred embodiment, the degree of saturation of -gly₃arg₇ branching groups is from about 10% to about 25%.

In another embodiment the positively charged backbone is included in a multi-component biological transport system, more particularly one such as is described in PCT application WO 02/007773 published January 31, 2002, the entire contents of which are hereby incorporated herein. That system comprises a non-covalent association complex that includes

- a) a positively-charged backbone (as described above);
 - b) a VEGF compound; and
 - c) at least one member selected from:
 - i) a first negatively-charged backbone having one or more attached imaging moieties;
 - ii) a second negatively-charged backbone having one or more attached therapeutic moieties
 - iii) at least one member selected from RNA, DNA, ribozymes, modified oligonucleotides and cDNA encoding a selected transgene; and
 - iv) DNA encoding at least one persistence factor;
- wherein the association complex carries a net positive charge.

Compositions according to this invention may comprise only a positively-charged backbone containing enhanced efficiency groups and a VEGF compound. Such compositions will generally be in the form of a dry solid such as a powder or the like. However, the compositions of the invention may also comprise a pharmaceutically or cosmeceutically acceptable carrier. The term "cosmeceutical" as used herein relates to a cosmetic or aesthetic quality, parameter or attribute, etc., as contrasted with a pharmaceutical or clinical quality, parameter or attribute, respectively. Accordingly, a cosmeceutical composition is one that can be utilized for purposes of cosmetic or aesthetic enhancement. Cosmeceutical purposes are those that are desired and not used

enzyme substrates, enzyme cofactors, enzyme inhibitors, ligands (particularly haptens), and the like. Still other useful substances are those labeled with radioactive species or components, such as ^{99m}Tc glucoheptonate.

5 *targeting agents*

A variety of targeting agents is useful in the compositions described herein. Typically, the targeting agents are attached to a negatively-charged backbone as described for the imaging moieties above. The targeting agents can be any element that makes it possible to direct the transfer of a nucleic acid, therapeutic agent or another component of the composition to a particular site. The targeting agent can be an extracellular targeting agent, which allows, for example, a nucleic acid transfer to be directed towards certain types of cells or certain desired tissues (tumor cells, liver cells, hematopoietic cells, and the like). Such an agent can also be an intracellular targeting agent, allowing a therapeutic agent to be directed towards particular cell compartments (e.g., mitochondria, nucleus, and the like).

The targeting agent or agents are preferably linked, covalently or non-covalently, to a negatively-charged backbone according to the invention. According to a preferred mode of the invention, the targeting agent is covalently attached to an oligonucleotide that serves as a negatively-charged backbone component, preferably via a linking group. Methods of attaching targeting agents (as well as other biological agents) to nucleic acids are well known to those of skill in the art using, for example, heterobifunctional linking groups (see Pierce Chemical Catalog). In one group of embodiments, the targeting agent is a fusogenic peptide for promoting cellular transfection, that is to say for favoring the passage of the composition or its various elements across membranes, or for helping in the egress from endosomes or for crossing the nuclear membrane. The targeting agent can also be a cell receptor ligand for a receptor that is present at the surface of the cell type, such as, for example, a sugar, transferrin, insulin or asialo-orosomucoid protein. Such a ligand may also be one of intracellular type, such as a nuclear location signal (nls) sequence which promotes the accumulation of transfected DNA within the nucleus.

Other targeting agents useful in the context of the invention, include sugars, peptides, hormones, vitamins, cytokines, oligonucleotides, lipids or sequences or fractions

derived from these elements and which allow specific binding with their corresponding receptors. Preferably, the targeting agents are sugars and/or peptides such as antibodies or antibody fragments, cell receptor ligands or fragments thereof, receptors or receptor fragments, and the like. More preferably, the targeting agents are ligands of growth factor receptors, of cytokine receptors, or of cell lectin receptors or of adhesion protein receptors. The targeting agent can also be a sugar which makes it possible to target lectins such as the asialoglycoprotein receptors, or alternatively an antibody Fab fragment which makes it possible to target the Fc fragment receptor of immunoglobulins.

10 *nucleic acids*

When included in the compositions of the present invention, the nucleic acid can be either a deoxyribonucleic acid or a ribonucleic acid, and can comprise sequences of natural or artificial origin. More particularly, the nucleic acids used herein can include genomic DNA, cDNA, mRNA, tRNA, rRNA, hybrid sequences or synthetic or semi-synthetic sequences. These nucleic acids can be of human, animal, plant, bacterial, viral, etc. origin. Additionally, the nucleic acids can be obtained by any technique known to those skilled in the art, and in particular by the screening of banks, by chemical synthesis or by mixed methods including the chemical or enzymatic modification of sequences obtained by the screening of banks. Still further, the nucleic acids can be incorporated into vectors, such as plasmid vectors.

The deoxyribonucleic acids used in the present invention can be single- or double-stranded. These deoxyribonucleic acids can also code for therapeutic genes, sequences for regulating transcription or replication, antisense sequences, regions for binding to other cell components, etc. Suitable therapeutic genes are essentially any gene which codes for a protein product having a therapeutic effect. The protein product thus encoded may be a protein, polypeptide, a peptide, or the like. The protein product can, in some instances, be homologous with respect to the target cell (that is to say a product which is normally expressed in the target cell when the latter exhibits no pathology). In this manner, the use of suitable nucleic acids can increase the expression of a protein, making it possible, for example, to overcome an insufficient expression in the cell. Alternatively, the present invention provides compositions and methods for the expression of a protein which is inactive or weakly active due to a modification, or

alternatively of overexpressing the protein. The therapeutic gene may thus code for a mutant of a cell protein, having increased stability, modified activity, etc. The protein product may also be heterologous with respect to the target cell. In this case, an expressed protein may, for example, make up or provide an activity which is deficient in the cell, enabling it to combat a pathology or to stimulate an immune response.

More particularly, nucleic acids useful in the present invention are those that code for enzymes, blood derivatives, hormones, lymphokines, interleukins, interferons, TNF, growth factors, neurotransmitters or their precursors or synthetic enzymes, or trophic factors: BDNF, CNTF, NGF, IGF, GMF, aFGF, bFGF, VEGF, NT3, NT5, HARP/pleiotrophin; the proteins involved in the metabolism of lipids, of apolipoprotein-types selected from apolipoproteins A-I, A-II, A-IV, B, C-I, C-II, C-III, D, E, F, G, H, J and apo(a), metabolic enzymes such as, for example, lipoprotein lipase, hepatic lipase, lecithin cholesterol acyltransferase, 7- α -cholesterol hydroxylase, phosphatidic acid phosphatase, or lipid transfer proteins such as cholesterol ester transfer protein and phospholipid transfer protein, a protein for binding HDLs or a receptor selected from, for example, LDL receptors, chylomicron-remnant receptors and scavenger receptors, dystrophin or minidystrophin, GAX protein, CFTR protein associated with mucoviscidosis, tumor-suppressant genes: p53, Rb, Rap1A, DCC, k-rev; protein factors involved in coagulation: factors VII, VIII, IX; or the nucleic acids can be those genes involved in DNA repair, suicide genes (thymidine kinase, cytosine deaminase), genes encoding thrombomodulin, α 1-antitrypsin, tissue plasminogen activator, superoxide dismutase, elastase, matrix metalloproteinase, and the like.

The therapeutic genes useful in the present invention can also be an antisense sequence or a gene whose expression in the target cell makes it possible to control the expression of genes or the transcription of cellular mRNA. Such sequences can, for example, be transcribed in the target cell into complementary RNA of cellular mRNA and thus block their translation into protein, according to the technique described in patent EP 140,308. The antisense sequences also comprise the sequences coding for ribozymes which are capable of selectively destroying target RNA (see EP 321,201).

As indicated above, the nucleic acid may also contain one or more genes coding for an antigenic peptide, capable of generating an immune response in humans or animals. In this particular embodiment, the invention thus makes it possible to produce

either vaccines or immunotherapeutic treatments applied to humans or to animals, in particular against microorganisms, viruses or cancers. They may in particular be antigenic peptides specific for Epstein Barr virus, for HIV virus, for hepatitis B virus (see EP 185,573), for pseudo-rabies virus or alternatively specific for tumors (see EP 259,212).

Preferably, the nucleic acid also comprises sequences that allow the expression of the therapeutic gene and/or of the gene coding for the antigenic peptide in the desired cell or organ. These can be sequences that are naturally responsible for expression of the gene considered when these sequences are capable of functioning in the infected cell. The nucleic acids can also be sequences of different origin (responsible for the expression of other proteins, or even synthetic proteins). In particular, the nucleic acids can contain promoter sequences for eukaryotic or viral genes. For example, the promoter sequences can be those derived from the genome of the cell which it is desired to infect. Similarly, the promoter sequences can be derived from the genome of a virus, e.g., the promoters of genes EIA, MLP, CMV, RSV, etc. In addition, these expression sequences may be modified by addition of activation sequences, regulation sequences, etc.

Moreover, the nucleic acid may also contain, in particular upstream of the therapeutic gene, a signal sequence which directs the therapeutic product synthesized into the secretion pathways of the target cell. This signal sequence may be the natural signal sequence of the therapeutic product, but it may also be any other functional signal sequence, or an artificial signal sequence.

DNA encoding at least one persistence factor

In some embodiments, the composition will also comprise DNA encoding at least one persistence factor. Exemplary of such DNA is the DNA encoding adenoviral preterminal protein 1 (see, Lieber, et al, *Nature Biotechnology* 15(13):1383-1387 (1997)).

biological agents

A variety of biological agents, including both therapeutic and cosmeceutic agents, are useful in the present invention and are present in an effective amount that will depend on the condition being treated, prophylactically or otherwise, the route of

administration, the efficacy of the agent and patient's size and susceptibility to the treatment regimen.

Suitable therapeutic agents that can be attached to a negatively charged backbone can be found in essentially any class of agents, including, for example,

5 analgesic agents, anti-asthmatic agents, antibiotics, antidepressant agents, anti-diabetic agents, antifungal agents, antiemetics, antihypertensives, anti-impotence agents, anti-inflammatory agents, antineoplastic agents, anti-HIV agents, antiviral agents, anxiolytic agents, contraception agents, fertility agents, antithrombotic agents, prothrombotic agents, hormones, vaccines, immunosuppressive agents, vitamins and the like.

10 Suitable cosmetic agents include, for example, epidermal growth factor (EGF), as well as human growth hormone, antioxidants, and botulinum toxin (BTX).

More particularly, therapeutic agents useful in the present invention include such analgesics as lidocaine, novocaine, bupivacaine, procaine, tetracaine, benzocaine, cocaine, mepivacaine, etidocaine, proparacaine ropivacaine, prilocaine and
15 the like; anti-asthmatic agents such as azelastine, ketotifen, traxanox, corticosteroids, cromolyn, nedocromil, albuterol, bitolterol mesylate, pirbuterol, salmeterol, terbutaline, theophylline and the like; antibiotic agents such as neomycin, streptomycin, chloramphenicol, norfloxacin, ciprofloxacin, trimethoprim, sulfamethyloxazole, the β -lactam antibiotics, tetracycline, and the like; antidepressant agents such as nefopam,
20 oxyperline, imipramine, trazadone and the like; anti-diabetic agents such as biguanidines, sulfonylureas, and the like; antiemetics and antipsychotics such as chlorpromazine, fluphenazine, perphenazine, prochlorperazine, promethazine, thiethylperazine, trifluromazine, haloperidol, scopolamine, diphenidol, trimethobenzamide, and the like; neuromuscular agents such as atracurium mivacurium, rocuronium, succinylcholine,
25 doxacurium, tubocurarine, and botulinum toxin (BTX); antifungal agents such as amphotericin B, nystatin, candicidin, itraconazole, ketoconazole, miconazole, clotrimazole, fluconazole, ciclopirox, econazole, naftifine, terbinafine, griseofulvin and the like; antihypertensive agents such as propranolol, propafenone, oxyprenolol, nifedipine, reserpine and the like; anti-impotence agents such as nitric oxide donors and the like; anti-inflammatory agents including steroidal anti-inflammatory agents such as
30 cortisone, hydrocortisone, dexamethasone, prednisolone, prednisone, fluazacort, and the like, as well as non-steroidal anti-inflammatory agents such as indomethacin, ibuprofen,

ramifenizone, piroxicam and the like; antineoplastic agents such as adriamycin, cyclophosphamide, actinomycin, bleomycin, daunorubicin, doxorubicin, epirubicin, mitomycin, rapamycin, methotrexate, fluorouracil, carboplatin, carmustine (BCNU),
cisplatin, etoposide, interferons, phenesterine, taxol (including analogs and derivatives),
5 camptothecin and derivatives thereof, vinblastine, vincristine and the like; anti-HIV agents (e.g., antiproteolytics); antiviral agents such as amantadine, methisazone, idoxuridine, cytarabine, acyclovir, famciclovir, ganciclovir, foscarnet, sorivudine, trifluridine, valacyclovir, cidofovir, didanosine, stavudine, zalcitabine, zidovudine, ribavirin, rimantadine and the like; anxiolytic agents such as dantrolene, diazepam and the
10 like; COX-2 inhibitors; contraception agents such as progestogen and the like; anti-thrombotic agents such as GPIIb/IIIa inhibitors, tissue plasminogen activators, streptokinase, urokinase, heparin and the like; prothrombotic agents such as thrombin, factors V, VII, VIII and the like; hormones such as insulin, growth hormone, prolactin, EGF (epidermal growth factor) and the like; immunosuppressive agents such as
15 cyclosporine, azathioprine, mizorobine, FK506, prednisone and the like; angiogenic agents; vitamins such as A, D, E, K and the like; and other therapeutically or medicinally active agents. See, for example, GOODMAN & GILMAN'S THE PHARMACOLOGICAL BASIS OF THERAPEUTICS, Ninth Ed. Hardman, et al., eds. McGraw-Hill, (1996).

20 Negatively-charged backbones having attached imaging moieties, targeting agents or therapeutic agents

For imaging moieties, targeting agents and therapeutic agents, the individual compounds are attached to a negatively charged backbone. Typically, the
25 attachment is via a linking group used to covalently attach the particular agent to the backbone through functional groups present on the agent as well as the backbone. A variety of linking groups are useful in this aspect of the invention. See, for example, Hermanson, *Bioconjugate Techniques*, Academic Press, San Diego, CA (1996); Wong, S.S., Ed., *Chemistry of Protein Conjugation and Cross-Linking*, CRC Press, Inc., Boca
30 Raton, FL (1991); Senter, et al., *J. Org. Chem.* 55:2975-78 (1990); and Koneko, et al., *Bioconjugate Chem.* 2:133-141 (1991).

In some embodiments, the therapeutic, diagnostic or targeting agents will not have an available functional group for attaching to a linking group, and can be first



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(54) CONTROLLABLY DEGRADABLE
POLYMERIC BIOMOLECULE OR DRUG
CARRIER AND METHOD OF
SYNTHESIZING SAID CARRIER

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514/2; 514/44; 514/54; 525/54.1;
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(21) Appl. No.: 10/270,788

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(60) Provisional application No. 60/378,164, filed on May
14, 2002.

The present invention provides a controllably degradable
cationic polymer for delivery of biomolecules (nucleic
acids, peptides, etc.), drugs, molecules used in medical
imaging applications, sensitizing agents used in cancer
treatments, and molecules used in tissue engineering. The
present invention also provides a method for synthesizing
the polymer according to the present invention.

(57) ABSTRACT

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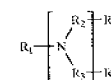
Nov. 20, 2003

efficiency than BP1425K, and their cytotoxicities were much
lower than BP1425K. The ODN delivery efficiencies of
C3L1, C2L3, C1L3 were higher than Lipofectamine. (FIG.
10)

What is claimed is:

1. A degradable cationic polymer comprising a plurality
of cationic molecules and at least one degradable linker
molecule connecting said cationic molecules in a branched
arrangement, wherein said cationic molecules are selected
from the group consisting of:

(i) a cationic compound of formula 1:



Formula 1

wherein:

R_1 is a hydrogen atom, an alkyl or heteroalkyl group of
2 to 10 carbon atoms, an aryl or heteroaryl group
with 5 to 30 atoms, or another Formula 1;

R_2 is a hydrogen atom, an alkyl or heteroalkyl group of
2 to 10 carbon atoms, or aryl or heteroaryl group
with 5 to 30 atoms;

R_3 is a hydrogen atom, an alkyl or heteroalkyl group of
2 to 10 carbon atoms, or aryl or heteroaryl group
with 5 to 30 atoms;

R_4 is a hydrogen atom, an alkyl or heteroalkyl group of
2 to 10 carbon atoms, an aryl or heteroaryl group
with 5 to 30 atoms, or another Formula 1;

R_5 is a hydrogen atom, an alkyl or heteroalkyl group of
2 to 10 carbon atoms, an aryl or heteroaryl group
with 5 to 30 atoms, or another Formula 1;

(ii) a cationic polyaniline acid; and

(iii) a cationic polycarboxylate,

and wherein said degradable linker molecule is repre-
sented by the formula:



wherein C is a spacer moiety that is a straight or branched
alkyl or heteroalkyl group of 2 to 10 carbon atoms, or
aryl or heteroaryl group with 5 to 30 atoms, may
contain ether, ester, amide, imide, carbonyl groups with
or without heteroatoms; n is an acyclic or methacrylate
moiety, and n is an integer greater than or equal to two;

and wherein C and n are linked covalently.

2. The degradable cationic polymer of claim 1, wherein
said polymer is degraded by hydrolysis, enzyme cleavage,
red action, photo-cleavage, or sonication.

3. The degradable cationic polymer of claim 1, wherein
the cationic molecules are selected from the group consist-
ing of, polyethylenimine (PEI), polypropylamine (PPA),
pentaerythritolamine, N,N'-bis(2-aminoethyl)-1,3-pro-
panediamine, N-(2-aminoethyl)-1,3-propanediamine, N-(2-
amino-propyl)-1,3-propanediamine, spermine, spermidine,
1,4-bis(3-aminopropyl)piperazine, 1-(2-aminoethyl)piper-
azine, tri(2-aminoethyl)amine, branched or dendritic poly-
amidoamine (PAMAM), poly(L-lysine) (PLL), and chitosan.

4. The degradable cationic polymer of claim 1, wherein
the linker molecule is selected from the group consisting of
1,3-butanediol diacrylate, 1,4-butanediol diacrylate, 1,6-
hexanediol diacrylate, Di(ethylene glycol) diacrylate, poly-
(ethylene glycol) diacrylate, 2,4-pentandiol diacrylate,
2-methyl-2,4-pentandiol diacrylate, 2,5-dimethyl-2,5-hex-
anediol diacrylate, trimethylolpropane triacrylate, penta-
erythritol tetraacrylate, Di(trimethylolpropane tetraacry-
late), Dipentaerythritol pentaacrylate, and a polyester with at
least three acrylate or acrylamide side groups.

5. The degradable cationic polymer of claim 1, wherein
the molecular weight of the polymer is from 500 Da to
1,000,000 Da.

6. The degradable cationic polymer of claim 5, wherein
the molecular weight of the polymer is from 2000 Da to
200,000 Da.

7. The degradable cationic polymer of claim 1, wherein
the molecular weight of the cationic compound is from 50
Da to 10,000 Da.

8. The degradable cationic polymer of claim 1, wherein
the molecular weight of the linker molecule is from 100 Da
to 40,000 Da.

9. The degradable cationic polymer of claim 1, further
comprising a biomolecule complexed to the polymer.

10. The degradable cationic polymer of claim 9, wherein
the biomolecule is selected from nucleic acid, protein,
peptide, lipid, and carbohydrate.

11. The degradable cationic polymer of claim 10, wherein
the nucleic acid is selected from the group consisting of
DNA, single or double strand RNA, ribozyme, DNA-RNA
hybridizer, and antisense DNA.

12. A method of gene therapy in a patient in need of
treatment comprising administering a degradable cationic
polymer of claim 11 to said patient.

13. A method of transfecting a eukaryotic cell comprising
contacting said cell with a polymer of claim 11.

14. A method of delivering a diagnostic imaging compo-
sition to an individual comprising conjugating a diagnostic
imaging composition to the degradable cationic polymer of
claim 1 and administering the conjugated polymer to the
individual.

15. A polymer library comprising a plurality of degrad-
able cationic polymers of claim 1 wherein said polymers
comprise different ratios of cationic compound to linker
molecule.

16. A polymer library comprising a plurality of degrad-
able cationic polymers of claim 1 wherein said polymers
each comprise a different linker molecule.

17. A polymer library comprising a plurality of degrad-
able cationic polymers of claim 1 wherein said polymers
each comprise a different cationic oligomer.

18. A biomaterial delivery system comprising,

at least one biomolecule,

the degradable cationic polymer of claim 1 wherein said
polymer has an affinity for said biomolecule; and

at least one delivery enhancing agent, which can be
internalized into a eukaryotic cell, that can facilitate

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receptor recognition, internalization, escape of the biomolecule from the endosome, nucleus localization, biomolecule release, or system stabilization in said eukaryotic cell.

19. The biomolecule of claim 18 wherein said biomolecule is a nucleic acid, peptide, protein, or carbohydrate.

20. The delivery enhancing agent of claim 18 wherein said delivery enhancing agent is coupled to said degradable cationic polymer.

21. A medical diagnostic system comprising:
an image contrast agent,

the degradable cationic polymer of claim 1 wherein the polymer has affinity for biomolecules, and

a ligand, antibody, or agent of interest that recognizes a specific receptor of a eukaryotic cell, tissue, or organ, wherein said ligand, antibody, or agent is coupled with said degradable cationic polymer.

22. A pharmaceutical composition comprising:

a sensitizer agent that can be functionally triggered by light or other physical stimulators; and

the degradable cationic polymer of claim 1, wherein said polymer has affinity for biomolecules.

* * * * *

United States Patent [19]

Morgan, Jr. et al.

[11] Patent Number: 5,252,713

[45] Date of Patent: Oct. 12, 1993

[54] POLYMERIC CARRIERS FOR NON-COVALENT DRUG CONJUGATION

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[73] Assignee: NeoRx Corporation, Seattle, Wash.

[21] Appl. No.: 248,456

[22] Filed: Sep. 23, 1988

[51] Int. Cl.⁵ A61K 37/02; A61K 39/44; C07K 3/08

[52] U.S. Cl. 530/391.7; 424/85.91; 435/188; 530/350; 530/351; 530/362; 530/363; 530/391.9; 530/392; 530/399; 530/402

[58] Field of Search 530/350, 387, 402, 362, 530/363, 391.7, 391.9, 392, 387.3, 351, 359, 424/85.91; 435/188; 514/2

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Primary Examiner—Jeffrey E. Russel

Attorney, Agent, or Firm—Burns, Doane, Swecker & Mathis

[57] ABSTRACT

Polymetric carriers are polypeptides comprising at least one drug-binding domain that non-covalently binds a drug. A polymetric carrier may be attached to an antibody specific for desired target cells to form immunoconjugates that deliver a drug to the target cells in vivo. The carriers are derived from drug-binding proteins and produced through peptide synthesis or recombinant DNA technology.

18 Claims, No Drawings

5,252,713

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POLYMERIC CARRIERS FOR NON-COVALENT DRUG CONJUGATION

DESCRIPTION

Technical Field

The present invention relates to compositions and methods for making polymeric carriers for non-covalent binding of drugs. The polymeric carriers are capable of binding one or multiple drug molecules. The polymeric carriers are then covalently attached to a targeting protein, such as an antibody molecule, thereby forming an antibody/polymeric carrier/drug conjugate for targeting to defined populations of cells, such as cancer cells.

BACKGROUND OF THE INVENTION

There has been considerable interest in developing methods of attaching various diagnostic and therapeutic agents to targeting proteins such as antibodies. Recent efforts include the conjugation of therapeutic agents, such as cytotoxic or antineoplastic drugs, to specific antibodies, such as monoclonal antibodies, to produce conjugates which can selectively target tumor cells while sparing normal tissues.

A large number of different classes of therapeutic agents have been considered, including beta-, gamma-, and alpha-emitting radioisotopes, plant and bacterial toxins, and a variety of antineoplastic drugs, including intercalating agents, antimetabolites, alkylating agents, and antibiotics. It is desirable to conjugate chemotherapeutic drugs to targeting molecules such as antibodies for the following reasons:

1. It has recently been shown that up to 1,000fold more drug can be delivered to tumor cells when conjugated to an antigen-specific monoclonal antibody than is possible by the addition of free drug.

2. Pleiotropic drug resistance may arise following treatment with one of a number of chemotherapeutic drugs, resulting in inducing resistance to drugs of several classes. The mechanism(s) of this resistance are not entirely known, but it is known that this resistance can be partially overcome by antibody targeting of drugs.

3. Even though current chemotherapeutic drugs are active against only some of the major tumor types, the response rate in drug-insensitive tumor types may be increased by antibody-mediated delivery.

4. Many dose-limiting toxicities which are now seen with chemotherapeutic drugs can be reduced by conjugation to an antibody. A decrease in toxicity with concomitantly at least equal efficacy would provide a superior product with a higher therapeutic index.

To create a conjugate with a therapeutic agent and an antibody, the therapeutic agent may be directly linked to the antibody through nucleophilic substitution of certain groups on the antibody (e.g., amino, carboxyl, or sulfhydryl) or the drug may be conjugated to the antibody via a hetero- or homobifunctional cross-linker.

The linking group generally is heterobifunctional, having two different functionalities, one of which reacts with the drug and the other with the antibody. Linking groups may be small or quite long. For example, a relatively small linking group is carbonyl diimidazole. Large proteins or polymers, ("carriers") have also been used as linking groups and offer the advantage of being able to bind many drug molecules to a single antibody molecule. Examples of large proteins or polymers are poly-L-lysine, polyglutamate, dextran, and albumin, all

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of which have molecular weights in excess of 5000 daltons. These carriers generally are derivatized with small linking groups to bind drugs. See, for example, U.S. Pat. Nos. 4,699,784 and 4,046,722.

Drug conjugation to a protein or an antibody targeting molecule has generally been through covalent binding of the drug to the antibody directly or by covalently binding the drug molecule to the linking group. (Blair et al., J. Immunol. Meth. 59:129-44, 1983.) Even when the drug is linked to a carrier molecule such as albumin or dextran, the drug undergoes a modification to allow for the covalent conjugation of the drug. The drug modification often results in the loss of some of the activity of the drug molecule due to chemical modifications of some of the functional groups within the drug molecule.

In the case of some drug molecules, exposure to derivatization conditions may completely inactivate the drug. For other drug molecules, the derivatization may not be completely specific for groups intended for linkage but may also modify groups important for drug activity.

Accordingly, there exists a need in the field of drug conjugation to be able to attach multiple drug molecules to the targeting antibody without covalent modification of the drug and loss of drug activity.

SUMMARY OF THE INVENTION

The present invention provides polymeric carriers comprising at least one drug-binding domain derived from a protein, wherein each drug-binding domain can non-covalently bind a drug. The polymeric carrier preferably comprises multiple drug-binding domains, wherein the domains may be the same or different and therefore may bind the same or different drugs.

The polymeric carrier may be attached to a targeting protein, such as an antibody, that binds to a desired target site in vivo. The present invention thus provides targeting protein/polymeric carrier/drug conjugates comprising a targeting protein covalently bound to a polymeric carrier, wherein said polymeric carrier comprises one or more drug-binding domains having a drug non-covalently bound thereto, wherein each of said domains is derived from a drug-binding protein. The targeting protein may be covalently bonded to the polymeric carrier directly or through a linker molecule. Pharmaceutical preparations comprising such a conjugate in an aqueous solution (for in vivo administration for therapeutic purposes) also are disclosed.

The present invention also provides methods for producing polymeric carriers. The carriers are derived from relatively large molecular weight proteins, and may be produced by such methods as peptide synthesis or recombinant DNA technology.

A method for preserving the therapeutic activity of a drug also is disclosed, said method comprising non-covalently binding the drug to a polymeric carrier. The drug activity is thus preserved during subsequent chemical reactions, such as the reactions used to attach the polymeric carrier to a targeting protein to form a conjugate. Drug activity also is preserved in vivo after administration of the conjugate to a human or mammalian host.

DETAILED DESCRIPTION OF THE INVENTION

Prior to describing the invention in detail, it is helpful to set forth certain definitions.

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Polymeric Carrier: By the term "polymeric carrier" is meant a polymer, such as a polypeptide, comprising one or more drug-binding domains wherein the domains are capable of binding a drug through non-covalent bonds. The polymeric carriers of the present invention are not naturally occurring, but are derived from naturally occurring proteins. A polymeric carrier may comprise one or multiple drug-binding domains fabricated through such methods as peptide synthesis or recombinant DNA technology. The domains may then be polymerized to produce a multi-domain polymeric carrier. A polymeric carrier of the present invention is able to non-covalently bind at least one drug through one or more non-covalent interactions or reversible interactions.

Covalent Bond: A "covalent bond" is defined as the formation of a sigma bond between two organic molecules.

Non-covalent Bond: A "non-covalent bond" is meant to include all interactions other than a covalent bond. Non-covalent bonds include ionic interactions, hydrogen bonding, pi-pi bonding, hydrophobic interactions, and van der Waals interactions.

The present invention addresses the problem of loss of drug activity due to attachment of drugs to various carriers through covalent bonds. Briefly stated, the present invention relates to a polymeric carrier containing one or multiple drug-binding domains (wherein each drug-binding domain non-covalently binds a drug), conjugates comprising a polymeric carrier bound to a targeting protein, and conjugates comprising one or more drug molecules non-covalently bound to a polymeric carrier which in turn is bound to a targeting protein. The targeting protein is a protein that binds to a desired target site in vivo, thereby delivering the conjugate to the target site. Targeting proteins include antibodies, and are described in more detail below. Also provided by the present invention are conjugates comprising a polymeric carrier as a drug active site protecting group. The polymeric carrier serves to protect the drug's active functional groups during the chemical reactions used to attach the polymeric carrier to a targeting protein. The polymeric carrier also protects the drug after in vivo administration of a drug(s)/polymeric carrier/targeting protein conjugate and minimizes non-specific interactions of the drug moiety of the conjugate with cellular membranes.

Polymeric carriers are polymers such as polypeptides comprising one or a plurality of drug binding domains, which may be produced by such methods as peptide synthesis procedures or through cloning and expression of specific nucleotide sequences. The polymeric carrier preferably contains multiple drug-binding domains, wherein the drug-binding domain may be derived from a large molecular weight polymer such as a protein and then polymerized. The large protein can typically bind non-covalently only one or a few drug molecules. The polymeric carrier polypeptides may be synthesized as a single polypeptide chain or as disulfide-bonded peptide chains.

In another aspect, the present invention provides a method for producing polymeric carriers. These carriers are prepared by first identifying a protein, generally a large molecular weight protein, that is able to non-covalently bind a particular drug of interest. A drug-binding domain is then isolated from the protein, wherein the drug-binding domain is capable of binding a drug of interest through non-covalent means. Exam-

ples of large molecular weight proteins that can non-covalently bind to certain drug molecules include, but are not limited to, riboflavin-binding protein (RBP) to anthracyclines, albumin to certain lipophilic drugs such as anthracyclines, methotrexate, and cis-platinum; or one of the other proteins described below (e.g., in Table I).

Once the drug-binding domain in such proteins is identified and characterized (e.g., by determination of the amino acid sequence), the polymeric carriers may be produced through a variety of techniques. Such techniques include peptide synthesis to produce multiple copies of the domain, which may be joined to form a multi-domain polymeric carrier. Alternatively, single or multiple domain polymeric carriers may be produced through recombinant DNA technology.

Another aspect of the invention is a pharmaceutical composition which includes a conjugate comprising one or more drug molecules bound to a single- or multiple-domain polymeric carrier for prolonged serum half-life and increased efficacy. These slow-release pharmaceutical compositions may include a conjugate comprising a drug non-covalently bound to a polymeric carrier which in turn may be attached to a targeting protein. Alternatively, the conjugate may comprise a polymeric carrier bound to a targeting protein wherein the drug is to be added and non-covalently bound later, before use. The non-covalent binding of the drug in the conjugates of the present invention permits slow release of the drug from the polymeric carrier in vivo. "Slow release" means that the serum half life of the drug is increased compared to free drug. The patient's tissues are exposed to the drug for a longer period of time than when free (i.e., unconjugated) drug is administered, and therapeutic efficacy thus is enhanced.

It is preferable to isolate a drug-binding domain from a large molecular weight protein to form the conjugates of the invention because attaching a high molecular weight protein to a targeting protein may have an adverse effect on the desired biological activity (e.g., the "targeting" ability) of the targeting protein. For example, attaching the large protein to an antibody may impair the immunoreactivity and accessibility to tumors of the resulting immunoconjugate. This is especially true if more than one high molecular weight protein molecule is attached to a targeting protein molecule. For example, RBP is a 50-kilodalton glycoprotein that binds one mole of drug per mole of protein. Conjugation of multiple RBPs per antibody molecule would result in a conjugate with a molecular weight unacceptable for rapid extravasation and delivery to tumor sites. Accordingly, the use of just the drug-binding domain of RBP polymerized to give a polymeric carrier with multiple drug-binding domains would provide for non-covalent binding and delivery to target sites of multiple drug molecules per targeting protein, while reducing the size of the carrier protein to which the drug molecules are bound. The total molecular weight of the multi-domain polymeric carrier preferably is less than about 60,000 daltons.

Non-covalent binding of the drug preserves the activity of the drug, as discussed above. A polymeric carrier also serves to protect the active functional groups on the drug molecule by non-covalently binding to the drug molecule. The enveloping of the drug by the polymeric carrier serves to protect the functional groups of the drug molecule from any subsequent derivatization conditions (used to conjugate the carrier to the target-

ing protein) and to block nonspecific interactions between the drug functional groups and non-target cell surfaces during in vivo administration of the targeting protein conjugate.

The process of isolating a polymeric carrier from a drug-binding, large molecular weight protein begins with the identification of a large protein that can non-covalently bind the drug of interest. Examples of such protein/drug pairs are shown in Table I. The drugs in the Table (other than the steroids) are anti-cancer drugs.

TABLE I

PROTEIN	DRUG
Riboflavin-Binding Protein	Doxorubicin, daunorubicin and other anthracyclines
Alpha-f ₂ -acid glycoprotein	Doxorubicin, daunorubicin, other anthracyclines, vinblastine, mitoxantrone, ARA-C, 6-mercaptopurine, 6-mercaptopurine, and mitomycin C
Steroid-binding protein	Testosterone, estrogen derivatives
Estrogen receptor	Estrogens and derivatives thereof
Albumin	Doxorubicin, daunorubicin, other anthracyclines, cis-platinum, methotrexate

Other drug-binding proteins may be identified by appropriate analytical procedures, including Western blotting of large proteins or protein fragments and subsequent incubation with a detectable form of drug. Alternative procedures include combining a drug and a protein in a solution, followed by size exclusion HPLC gel filtration, thin-layer chromatography (TLC), or other analytical procedures that can discriminate between free and protein-bound drug. Detection of drug binding can be accomplished by using radiolabeled, fluorescent, or colored drugs and appropriate detection methods. Equilibrium dialysis with labeled drug may be used. Alternative methods include monitoring the fluorescence change that occurs upon binding of certain drugs (e.g., anthracyclines or analogs thereof, which should be fluorescent). In one detection method, drug and protein are mixed, and an aliquot of this solution (not exceeding 5% of the column volume of an HPLC column, such as a Bio-sil TSK-250 7.5x30 cm column) is loaded onto the HPLC column. The flow rate is 1 ml/min. The drug bound to protein will elute first, in a separate peak, followed by free drug, eluting at a position characteristic of its molecular weight. If the drug is doxorubicin, both a 280-nm as well as a 495-nm absorptive peak will correspond to the elution position of the protein if interaction occurs. The elution peaks for other drugs will indicate whether drug binding occurs.

Knowledge of the chemical structure of a particular drug (i.e., whether chemically reactive functional groups are present) allows one to predict whether covalent binding of the drug to a given protein can occur. Additional methods for determining whether drug binding is covalent or non-covalent include incubating the drug with the protein, followed by dialysis or subjecting the protein to denaturing conditions. Release of the drug from the drug-binding protein during these procedures indicates that the drug was non-covalently bound. Usually, a dissociation constant of about

10⁻¹⁵M or less indicates covalent or extremely tight non-covalent binding.

During dialysis, non-covalently bound drug molecules are released over time from the protein and pass through a dialysis membrane, whereas covalently bound drug molecules are retained on the protein. An equilibrium constant of about 10⁻¹⁵M indicates non-covalent binding. Alternatively, the protein may be subjected to denaturing conditions, e.g., by gel electrophoresis on a denaturing (SDS) gel or on a gel filtration column in the presence of a strong denaturant such as 6M guanidine. Covalently bound drug molecules remain bound to the denatured protein, whereas non-covalently bound drug molecules are released and migrate separately from the protein on the gel and are not retained with the protein on the column.

Once a protein that can non-covalently bind a particular drug of interest is identified, the drug-binding domain is identified and isolated from the protein by any suitable means. Protein domains are portions of proteins having a particular function or activity (in this case, non-covalent binding of drug molecules). The present invention provides a process for producing a polymeric carrier, comprising the steps of generating peptide fragments of a protein that is capable of non-covalently binding a drug and identifying a drug-binding peptide fragment, which is a peptide fragment containing a drug-binding domain capable of non-covalently binding the drug, for use as the polymeric carrier.

One method for identifying the drug-binding domain begins with digesting or partially digesting the protein with a proteolytic enzyme or specific chemicals to produce peptide fragments. Examples of useful proteolytic enzymes include lys-C-endoprotease, arg-C-endoprotease, V8 protease, endoprotease, trypsin, and chymotrypsin. Examples of chemicals used for protein digestion include cyanogen bromide (cleaves at methionine residues), hydroxylamine (cleaves the Asn-Gly bond), dilute acetic acid (cleaves the Asp-Pro bond), and iodosobenzoic acid (cleaves at the tryptophan residue). In some cases, better results may be achieved by denaturing the protein (to unfold it), either before or after fragmentation.

The fragments may be separated by such procedures as high pressure liquid chromatography (HPLC) or gel electrophoresis. The smallest peptide fragment capable of drug binding is identified using a suitable drug-binding analysis procedure, such as one of those described above. One such procedure involves SDS-PAGE gel electrophoresis to separate protein fragments, followed by Western blotting on nitrocellulose, and incubation with a colored drug like adriamycin. The fragments that have bound the drug will appear red. Scans at 495 nm with a laser densitometer may then be used to analyze (quantify) the level of drug binding.

Preferably, the smallest peptide fragment capable of non-covalent drug binding is used. It may occasionally be advisable, however, to use a larger fragment, such as when the smallest fragment has only a low-affinity drug-binding domain.

The amino acid sequence of the peptide fragment containing the drug-binding domain is elucidated. The purified fragment containing the drug-binding region is denatured in 6M guanidine hydrochloride, reduced and carboxymethylated by the method of Crestfield et al., *J. Biol. Chem.* 238:622, 1963. As little as 20 to 50 picomoles of each peptide fragment can be analyzed by automated Edman degradation using a pre-phase or liquid-phase

protein sequencer (commercially available from Applied Biosystems, Inc.). If the peptide fragment is longer than 30 amino acids, it will most likely have to be fragmented as above and the amino acid sequence patched together from sequences of overlapping fragments.

Once the amino acid sequence of the desired peptide fragment has been determined, the polymeric carriers can be made by either one of two types of synthesis. The first type of synthesis comprises the preparation of each peptide chain with a peptide synthesizer (e.g., commercially available from Applied Biosystems). The second method utilizes recombinant DNA procedures.

Peptide amides can be made using 4-methylbenzhydrylamine-derivatized, cross-linked polystyrene-1% divinylbenzene resin and peptide acids made using PAM (phenylacetamidomethyl) resin (Stewart et al., "Solid Phase Peptide Synthesis," Pierce Chemical Company, Rockford, Ill., 1984). The synthesis can be accomplished either using a commercially available synthesizer, such as the Applied Biosystems 430A, or manually using the procedure of Merrifield et al., *Biochemistry* 21:5020-31, 1982; or Houghten, *PNAS* 82:5133-35, 1985. The side chain protecting groups are removed using the Tam-Merrifield low-high HF procedure (Tam et al., *J. Am. Chem. Soc.* 105:6442-55, 1983). The peptide can be extracted with 20% acetic acid, lyophilized, and purified by reversed-phase HPLC on a Vydac C-4 Analytical Column using a linear gradient of 100% water to 100% acetonitrile-0.1% trifluoroacetic acid in 50 minutes. The peptide is analyzed using PTC-amino acid analysis (Heinrikson et al., *Anal. Biochem.* 136:65-74, 1984). After gas-phase hydrolysis (Meltzer et al., *Anal. Biochem.* 160: 356-61, 1987), sequences are confirmed using the Edman degradation or fast atom bombardment mass spectroscopy. After synthesis, the polymeric carriers can be tested for drug binding using size-exclusion HPLC, as described above, or any of the other analytical methods listed above.

The polymeric carriers of the present invention preferably comprise more than one drug-binding domain. A polypeptide comprising several drug-binding domains may be synthesized. Alternatively, several of the synthesized drug-binding peptides may be joined together using bifunctional cross-linkers, as described below.

The second synthetic mechanism involves the determination of a DNA sequence which will encode the desired amino acid sequence (i.e., the amino acid sequence of the drug-binding peptide fragment determined above). Such a DNA sequence may be determined because the genetic code (i.e., the three-base sequence or codon in an mRNA which specifies a given amino acid) is known. A DNA sequence which encodes the polymeric carrier may be synthesized in vitro by standard oligonucleotide synthesis procedures. See, for example, U.S. Pat. Nos. 4,500,707 and 4,668,777. The synthetic DNA fragment encoding the polymeric carrier is cloned and expressed using recombinant DNA technology.

When a polymeric carrier containing multiple copies of a drug-binding domain is desired, a DNA sequence that encodes a polypeptide comprising multiple copies of the drug-binding peptide fragment is synthesized. Alternatively, multiple copies of the oligonucleotide encoding the domain may be ligated together by conventional procedures (e.g., using the enzyme T₄ DNA ligase). The resulting DNA sequence encodes a polypeptide comprising multiple drug-binding domains. Such polypeptides are useful as polymeric carriers that

bind several drug molecules non-covalently. The DNA sequences encoding these polymeric carriers may be cloned and expressed through recombinant DNA technology.

Many suitable methods for inserting a DNA sequence of interest into a microbial host to generate recombinant microorganisms which produce the polypeptide encoded by the DNA are known. Microorganisms which have been used as host cells include, but are not limited to, prokaryotes, such as gram-negative and gram-positive bacteria, and eukaryotes, such as yeast or mammalian cell lines. In general, the DNA sequence is inserted in vitro into a vector capable of replication in certain host microorganisms. The vector typically is derived from a plasmid or a virus.

A number of cloning vector/host cell systems have been developed including vectors suitable for transforming the gram-negative bacterium *E. coli* (Old and Primrose, *Principals of Gene Manipulation*, 2d ed., Univ. of California Press, 1981, pp. 32-35 and 46-47); gram-positive bacteria *Bacillus subtilis* (Old and Primrose, pp. 51-53), or eukaryotic microorganisms such as yeast (Old and Primrose, pp. 62-68). "Shuttle vectors," which may be transferred (along with the cDNA they carry) between the host microorganisms, *E. coli* and yeast, have been described by Storms et al., *J. Bacteriology* 140:73-82, 1979; and Bian et al., *Molec. Gen. Genet.* 176:335-42, 1979. Shuttle vectors also exist which replicate in both *E. coli* and *B. subtilis* (Old and Primrose, at p. 53). Vectors derived from bacteriophages such as M13 have also been useful in the cloning of foreign genes (Old and Primrose, Chapter 5).

Known procedures are used for inserting the DNA into a suitable vector, e.g., homopolymeric tailing, blunt-end ligation, or by use of linker molecules (Old and Primrose, at p.92). Microbial host cells are transformed with the resulting recombinant cloning vectors, and the transformants are screened using conventional procedures, which vary according to the particular gene and vector/host system used to identify transformants containing the desired cloned cDNA.

The cloned DNA sequence generally is transferred to an appropriate "expression vector," although certain vectors that have been developed play the dual roles of both cloning and expression vectors. An expression vector comprises "expression signals," i.e., sequences such as promoters and operators, which are required for the transcription of DNA into messenger RNA (mRNA). This is followed by translation of the mRNA into protein (i.e., the polypeptide encoded by the DNA sequence). The expression signals are functional in the intended host cell. The DNA sequence of interest is "operably linked" to the expression signals by insertion of the DNA into the vector in a position downstream from the expression signals such that the first codon of the protein-encoding sequence is in the same reading frame as an initiation codon. Examples of some of the many expression vectors which have been developed for use in recombinant DNA technology include those described by Old and Primrose, pp. 104-11; PCT patent application Publication No. WO 86/00528; U.S. Pat. Nos. 4,599,311 and 4,704,362; and British Patent No. GB 2,119,804.

An appropriate microorganism strain is transformed with the recombinant expression vector, then cultured in a suitable growth medium under conditions appropriate for production of the desired polypeptide. Expression vector systems may be engineered so that expres-

sion of the foreign protein may be regulated by chemical or temperature induction. Proteins which are secreted out of the host cells may be isolated from the growth media by conventional protein purification procedures. When the desired protein remains inside the host cells, the cells are harvested and then lysed through procedures which may be mechanical (e.g., sonication, homogenization, freeze-thawing, nitrogen compression-decompression, etc.), chemical (e.g., treatment with detergents such as sodium dodecyl sulfate, guanidine HCl or NP-40), enzymatic (such as by using lysozyme), or combinations thereof. The desired polypeptide is then purified from the lysate using conventional procedures.

The polypeptides produced by cloning and expressing DNA sequences encoding one or more drug-binding domains are used as polymeric carriers. The recombinant cells may be cultured to produce large quantities of the polymeric carrier polypeptides, and these carriers may be attached to various targeting proteins to form conjugates capable of non-covalently binding drug molecules.

When the amino acid sequence of a drug-binding protein is known, drug-binding domains can be isolated without prior enzymatic or chemical digestion of the protein. For example, the sequence of chicken riboflavin-binding protein is known (Protein Information Resource Protein Sequence Data Bank). In order to search for a riboflavin-binding domain, 40-amino-acid-long peptides, overlapping by 20 amino acids, can be synthesized from the known sequence of this 219-residue protein. The peptides are synthesized as described above, using manual procedures or a commercially available synthesizer. Each synthetic peptide can then be tested for drug binding. By comparison of the sequence of the overlapping peptides which bind drugs, those residues important for drug binding can be identified. A peptide comprising the drug-binding domain can then be replicated and conjugated to form a polymeric carrier according to the procedures described below.

When several proteins are known to bind the same or similar drugs, it may be possible to identify the drug-binding domain within each of the proteins by identifying homologous amino acid sequences within the proteins. Alternatively, when the amino acid sequence of the drug-binding domain of one protein that binds a drug of interest is known, a computer search for homologous sequences may be run on a large protein sequence data bank. Additional proteins that may bind the particular drug of interest thus may be found. Through either of these approaches, drug-binding domains may be identified without running drug-binding assays on a large number of peptide fragments representing the entire amino acid sequence of a protein.

Another process for isolating a polymeric carrier involves cloning the gene which encodes a large molecular weight protein that can non-covalently bind to a drug of interest. Procedures for isolating and cloning DNA sequences which encode such proteins are known. See, for example, Lawn et al., *Nucleic Acids Research* 9:6103-14, 1981, in which isolation of cDNA which encodes the human serum albumin (HSA) protein is described.

A cloned gene encoding a drug-binding protein may be isolated from a recombinant microorganism and fragmented using restriction endonucleases. The resulting gene fragments are subcloned and expressed in a suitable host/vector system, thereby producing frag-

ments of the drug-binding protein. The peptide fragments produced by the various recombinant microorganisms transformed with the subcloned DNA are analyzed for drug-binding ability. Recombinant cultures producing peptide fragments comprising the drug-binding domain thus are identified. Cultivation of the recombinant cells produces the peptide fragment for use as a polymeric carrier.

While a single drug-binding domain may be attached to a targeting protein in certain cases, it is often desirable to attach more than one drug molecule to a targeting protein. In such cases, the polymeric carrier preferably comprises more than one drug-binding domain. Conjugates of such polymeric carriers and targeting proteins may be used to deliver multiple drug molecules to target cells, thus enhancing the therapeutic effect against the target cells.

These polymeric carriers comprising more than one drug-binding domain may be derived from the peptides containing single domains which are produced by any of the above-described methods. Several drug-binding domains can be covalently joined together, after refolding, using bifunctional linkers to form polymeric carriers. The linkers are selected to give optimal polymerization and generally consist of variable-length spacer groups with a chemically reactive group at each end. The two chemically reactive groups may be the same or different, and each will react with a functional group on a peptide fragment, thereby joining peptide fragments together through the linker.

Among the many possible chemically reactive groups that a linker may comprise are amine-reactive groups such as esters and sulfhydryl-reactive groups such as maleimides. The spacer portion of the linker preferably is large enough to reduce steric hindrance during reaction with the peptide fragments, yet small enough so that the linker molecules used to form a multi-domain polymeric carrier do not significantly increase the molecular weight of the carrier. The spacer may, for example, comprise a chain of from two to four methylene groups or a single cyclohexane ring.

Many suitable linkers are known, examples of which include dimethylsuberimide, bis-(sulfosuccinimidyl) suberate, and sulfosuccinimidyl 4'-azido-2'-nitrophenylamino hexanoate. Other suitable crosslinkers and the use thereof are described in the Pierce Chemical Company 1988 Handbook and General Catalog, pages 222-243. An isolated domain could be polymerized by introducing two surface thiols on opposite faces of the structure (if it doesn't already have cysteines) and air-oxidizing.

The resulting multiple drug-binding domain polymeric carriers should not be so large as to adversely affect the immunoreactivity or other properties of the targeting protein. Advantageously, the polymeric carrier is less than 60 kilodaltons. When water solubility is an important characteristic of the resulting targeting-protein conjugate, the size of the carrier may have to be further reduced.

The total size of the polymeric carrier will vary according to such factors as the therapeutic activity of the particular drug to be used (e.g., whether attachment of multiple drug molecules to the carrier is desirable), the susceptibility of a particular targeting protein to loss of targeting ability when a high molecular weight polypeptide (i.e., the carrier) is attached thereto, and the size of the drug-binding peptide(s) from which the polymeric carrier is formed. In one embodiment of the in-

vention, a polymeric carrier comprises from two to twenty, preferably from two to about ten, drug-binding domains. The polymeric carrier preferably has a molecular weight of about 35 kilodaltons or less.

The drug-binding domains employed in the present invention are derived from drug-binding proteins. The term "derived from a protein" as used herein is not limited to actual physical isolation from a protein. The process of producing the polymeric carriers of the invention generally begins with identification of a drug-binding domain within a protein. Once the domain is characterized (e.g., by determination of the amino acid sequence), multiple copies of the domain may be produced by synthetic methods that include peptide synthesis and recombinant DNA technology.

In addition, the polymeric carriers may comprise drug-binding domains that are modifications of the domains found in the parent protein. These modifications include, among others, changes in the amino acid sequence (e.g., to achieve tighter drug binding) or incorporation of additional peptides that confer desirable properties such as improved water solubility on the polymeric carrier. Thus, domains "derived from a protein" may be produced by totally synthetic means, rather than being isolated from the parent protein, and may not be identical to the drug-binding domain found in the parent protein. The polymeric carriers are produced using information obtained through identifying and characterizing drug-binding domains within the parent proteins.

The choice of a particular polypeptide for use as a polymeric carrier may be influenced by several factors. Stability of the non-covalent drug binding to the drug-binding domain is one such factor. When a conjugate of the invention is to be included in a water-soluble pharmaceutical composition, the water solubility of the polymeric carrier component of the conjugate is considered. The polymeric carrier may comprise amino acid sequences extraneous to the actual drug-binding domain. Certain amino acid residues may be added at the termini of the domain-containing peptide, wherein the amino acid residues comprise chemically reactive groups that will react with one of the above-described bifunctional cross-linkers. Alternatively, amino acid sequences may be added to the drug-binding domain in order to achieve the secondary structure required for a particular desirable biological property. Various amino acid sequences may be added during peptide synthesis or DNA synthesis to the peptide fragment originally derived from the drug binding protein. These amino acid sequences may be chosen to increase the water solubility of the resulting polymeric carrier, for example. Such sequences may be chosen based on knowledge of the sequences that confer hydrophilicity on other known proteins, for example.

In some cases, it may be desirable to prepare conjugates of the present invention that comprise more than one type of drug. This is especially advantageous when two or more drugs have a synergistic therapeutic effect on the target cells. Administration of more than one type of drug is desirable in the treatment of certain diseases such as cancer, especially in view of the heterogeneous cell populations found within some tumors.

Thus, a polymeric carrier of the present invention may comprise two or more different types of drug-binding domains. The domains are each isolated from different large molecular weight proteins, then are joined to form a polymeric carrier, using the procedures de-

scribed above. Alternatively, a particular drug-binding domain may be capable of binding more than one type of drug. Polymeric carriers comprising multiple copies of such a domain may be incubated with the different drugs to bind two or more different types of drugs to the polymeric carrier.

Any suitable procedure may be used for non-covalently binding a drug of interest to the polymeric carrier. In general, an excess of the drug is incubated with the carrier in a buffered aqueous solution to bind the drug to the carrier.

A polymeric carrier of the present invention, having one or more drug molecules bound thereto, is administered to a human or mammalian host for therapeutic purposes. These polymeric carriers are useful as slow-release drug delivery systems.

Alternatively, the polymeric carriers produced by the above-described procedures may be attached to targeting proteins. The targeting protein serves to deliver the conjugate to a specific cellular or tissue target site when administered in vivo. The targeting is preferably accomplished by immune selectivity through antigen/antibody interactions.

Suitable targeting proteins include, but are not limited to, antibodies and antibody fragments; serum proteins; enzymes; peptide hormones; and biologic response modifiers. Among the suitable biologic response modifiers which may be used are lymphokines such as interleukins (e.g., IL-1, -2, -3, -4, -5, and -6) or interferons (e.g., alpha, beta, and gamma interferon), erythropoietin, and colony stimulating factors (e.g., G-CSF, GM-CSF, and M-CSF). Peptide hormones include melanocyte stimulating hormone, follicle stimulating hormone, luteinizing hormone, and human growth hormone. Enzymes include fibrinolytic enzymes such as tissue-type plasminogen activator, streptokinase, and urokinase. Serum proteins include human serum albumin.

These proteins may be modified; e.g., to produce variants and fragments of the proteins, as long as the desired biological property (i.e., the ability to bind to the target site) is retained. The proteins may be modified by using various genetic engineering or protein engineering techniques. Another type of modification involves chemically modifying targeting proteins to effect a shift in the isoelectric point of the resulting "charge modified" protein, as described in co-pending U.S. patent application Ser. No. 157,273, entitled "Alteration of Pharmacokinetics of Proteins by Charge Modification" filed Feb. 17, 1988. The serum half-life, biodistribution, immunogenicity, and other properties of targeting proteins may be altered by modifying the charge of the protein.

The antibodies employed as targeting proteins in the present invention may be intact antibody molecules, fragments thereof, or functional equivalents thereof, including genetically engineered variations thereof. Examples of antibody fragments are F(ab')₂, Fab', Fab, and Fv fragments, which may be produced by conventional procedures or by genetic or protein engineering. While polyclonal antibodies may be employed in the present invention, monoclonal antibodies (MAbs) are preferred. A number of monoclonal antibodies that bind to a specific type of cell have been developed, including MAbs specific for tumor-associated antigens in humans. Among the many such MAbs that may be used are anti-TAC or other interleukin-2 receptor antibodies, 9.2.27 and NR-ML-05 to the 250-kilodalton human melanoma-associated proteoglycan, NR-LU-10 to the

37 to 40-kilodalton pancreatic carcinoma glycoprotein; and OV83 to an as yet unidentified tumor-associated antigen.

A variety of procedures may be used to attach the polymeric carrier to a targeting protein, such as an antibody. Both the polymeric carrier and the targeting protein are polypeptides which contain a variety of functional groups, e.g., carboxylic acid (COOH) or free amine (—NH₂) groups, which are available for reaction with a suitable functional group to covalently bind the polymeric carrier to the targeting protein. For example, reaction with a water-soluble carbodiimide coupling reagent may be used to form bonds between a free amino group on one reactant species and a COOH group on the other reactant species.

Alternatively, the antibody and/or polymeric carrier may be derivatized to expose or attach additional reactive functional groups. The derivatization may involve attachment of any of a number of linker molecules, such as those available from Pierce Chemical Company, Rockford, Ill. (see Pierce 1988 General Catalog, pp. 221-250). Alternatively, derivatization may involve chemical treatment of the antibody, e.g., oxidative cleavage of vicinal hydroxyls on the sugar moiety of a glycoprotein antibody with periodate to generate free aldehyde groups. The free aldehyde groups on the antibody may be reacted with free amine groups on the polymeric carrier to form the desired bond. See U.S. Pat. No. 4,671,958. Procedures for generation of free sulphydryl groups on antibodies or antibody fragments are also known. See U.S. Pat. No. 4,659,839. Many procedures and linker molecules for attachment of various compounds to proteins such as antibodies are known. See, for example, U.S. Pat. Nos. 4,671,958; 4,414,148; 4,046,722; 4,699,784; and 4,680,338.

A polymeric carrier/drug conjugate or a targeting protein/polymeric carrier/drug conjugate of the present invention may be administered for therapeutic purposes to a human or mammalian host by any suitable means. The conjugate may be administered intravenously, intraarterially, or peritoneally, for example, with the choice being determined by such factors as the location of the target site(s) within the body. The dosage will vary according to such factors as the type of drug in the conjugate, the number of drug molecules attached to the polymeric carrier, and the specificity of the targeting protein. A physician skilled in the field to which this invention pertains will be able to determine the proper dosage of a given conjugate.

The conjugates of the present invention may be administered in the form of a suitable pharmaceutical composition. In one embodiment of the invention, a pharmaceutical composition comprises an aqueous solution containing a targeting protein/polymeric carrier/drug conjugate or other conjugate of the invention. In an alternative embodiment, the pharmaceutical composition is in solid (e.g., freeze-dried) form, to be dissolved in an aqueous solution prior to injection into the patient. The pharmaceutical preparation may additionally contain conventional stabilizers, excipients, and the like. The preparation is injected into a patient for therapeutic purposes.

The following examples illustrate the use of the process of this invention to form novel polymeric carriers to non-covalently bind drugs. Procedures for preparing conjugates comprising a drug non-covalently bound to a polymeric carrier that is attached to a targeting protein such as an antibody also are described. These exam-

ples are offered by way of illustration of the invention and not by way of limitation.

EXAMPLE 1

Synthesis of an Adriamycin-Binding Polymeric Carrier

In this example, the drug adriamycin (i.e., doxorubicin) is bound to polymeric carriers derived from chicken riboflavin-binding protein (CRBP). Riboflavin-binding protein is used as the source of the polymeric carrier because this compound is known to non-covalently bind adriamycin. Other anthracycline drugs may be used in place of or in addition to adriamycin in the following procedures. The sequence of CRBP is known (Protein Information Resource Data Bank, release 14 (1987)). The sequence of CRBP contains 5 arginines and 7 methionines. Thus, the proteolytic enzyme arg-C-endoprotease and the chemical peptide digestion agent cyanogen bromide are used initially to generate fragments for testing of drug (adriamycin) binding. Other chemical cleavage methods or proteases could also be used. For cleavage of the peptide at Arg residues, the fragments are 56, 20, 7, 5, 37 and 92 amino acid residues long. For methionine cleavage, the amino acid fragments are 21, 122, 7, 4, 17, 5, 17 and 25 residues long.

The CRBP protein cysteines are reduced for one day at 37° C. in 6M guanidine hydrochloride at pH 8.5 in 0.1M Tris buffer with a 100-fold excess of dithiothreitol (DTT) to protein cysteines. The cysteines may be carboxymethylated with a 5-fold excess of iodoacetic acid to DTT thiols for one hour at 37° C. The protein is microdialyzed against water, or an appropriate buffer for digestion. For cyanogen bromide digestion, 200 µg protein is dissolved in 400 µl of 70% formic acid containing 100 moles of cyanogen bromide per mole methionine, and reacted in the dark, under nitrogen for 24 hours at 37° C. After digestion, the mixture is diluted 10-fold with water, lyophilized, run over a Vydac C-4 5µ 0.4×25 cm reversed-phase column. Elution is with a gradient of 1% per minute from water plus 0.1% trifluoroacetic acid (TFA) to 100% acetonitrile plus 0.1% TFA.

Alternatively, 200 µg reduced (or reduced and carboxymethylated) CRBP protein is dissolved in 0.1M sodium bicarbonate, pH 8.0, and digested with 10 µg submaxillary protease (an arg-C-endoprotease) for 14 hours. The fragments are purified as above.

The purified protein fragments (obtained by either chemical or enzymatic digestion) are incubated in 0.1M phosphate or 0.1M hepes buffer at pH 7.0 for 1 hour with a 100-fold excess of adriamycin and then eluted over an appropriate gel-filtration column. The peptide peak is checked spectro-photometrically for elution peaks at 280 nm and 495 nm to detect bound adriamycin. This procedure can be repeated with other peptide fragments or other digestion product fragments until a tight binding fragment (preferably K_d approximately less than or equal to 1 µM, as measured by equilibrium dialysis or a fluorescence or spectrophotometric titration) is discovered.

Smaller versions (i.e., subfragments) of the peptide fragment may be synthesized by solid-phase synthesis methodology, as mentioned above, to find the minimal size binding domain, which will tightly bind to the drug adriamycin.

Alternatively, peptides about 30-50 amino acid residues in length, overlapping by 15 residues, can be synthesized using the solid-phase peptide synthesis method-

ology (described above) from the known CRBP sequence. These peptides can be tested for adriamycin binding as above.

The polymerization of the minimal length peptides retaining tight binding to adriamycin is achieved using bifunctional cross-linking reagents. The choice of cross-linking reagent depends on the amino acid composition of the adriamycin-binding domain. If the adriamycin-binding domain contains 2 or more lysine residues, for example, polymerization may be achieved using amine-reactive, bifunctional cross-linking reagents, such as bis(sulfosuccinimidyl) suberate. Polymerization is achieved after binding of the drug binding domain to adriamycin. A 100-fold excess of the drug is incubated with the peptide in a buffered solution, as described above. A 0.1M solution of peptide/adriamycin, isolated by size-exclusion chromatography, then is mixed with an equimolar solution of bis(sulfosuccinimidyl) suberate at pH 8.0-9.0 in 0.05M hepes buffer. Aliquots are withdrawn periodically for analysis. A distribution of polymer length results when the conditions are optimized for a particular length polymer. Advantageously, the polymeric carrier comprises less than 20 copies of the drug-binding domain. The resulting polymerized polymeric carrier having adriamycin bound thereto can be purified as necessary by size-exclusion HPLC.

The polymeric carrier bound to adriamycin is attached to the targeting protein by a similar cross-linking procedure. The procedure may vary according to the type of targeting protein used. One of the methods described above for attaching carriers to targeting proteins to form conjugates of the invention (e.g., through the use of bifunctional cross-linkers) may be used.

EXAMPLE 2

Isolating a DNA Sequence Which Encodes a Polymeric Carrier

A gene encoding human serum albumin is cloned in a 40 plasmid vector using the procedures of Lawn et al. (*Nucleic Acids Research*, 9:6103-14, 1981). Human serum albumin (HSA)-specific DNA is isolated by digesting the recombinant vector with the restriction enzyme Pst I. Samples of the HSA-specific cDNA are subjected to further digestion with several different restriction enzymes in separate reaction mixtures. The resulting DNA fragments are separated by electrophoresis on agarose gels, purified from the gel, and subcloned into plasmid expression vectors comprising regulatory signals functional in *E. coli* cells, such as the trp promoter-operator. *E. coli* HB101 cells are transformed with the resulting plasmids and cultured to produce the HSA protein fragments encoded by the HSA gene fragments. These protein fragments are purified from samples of each culture by a standard procedure, such as immunoprecipitation, followed by SDS polyacrylamide gel electrophoresis. See Kessler, *J. Immunology* 117:1432-90, 1976; and Laemmli, *Nature* 277:680-85, 1970.

Each protein fragment is analyzed to determine its ability to bind a drug of interest by one of the procedures described above. For example, the drug adriamycin is combined with each protein fragment and the samples are each analyzed to detect free versus protein-bound drug. One method of analysis involves subjecting the protein fragment samples (either purified or in the form of the *E. coli* cell lysates) to electrophoresis on an

SDS-polyacrylamide gel. The fragments (separated according to molecular weight) are transferred from the gel to a nitrocellulose sheet in accordance with the known "Western blot" technique. A solution containing adriamycin is contacted with the nitrocellulose sheet. After washing the nitrocellulose sheet to remove non-bound drug, the polypeptide bands which bind the drug will appear red, the color imparted by adriamycin. The culture(s) found to produce a relatively small protein fragment with sufficient affinity for the drug are cultured to produce the polymeric carrier (i.e., the HSA protein fragment) on a larger scale. Alternatively, the amino acid sequence of the peptide fragment may be determined, and the fragment may be produced by peptide synthesis procedures.

When a polymeric carrier comprising multiple drug-binding domains is desired, multiple copies of the peptide fragment produced above may be joined together using a bifunctional cross-linker. A number of different cross-linkers may be used, depending on the amino acid sequence of the peptides to be joined. The linker may be chosen from those described in the Pierce Chemical Company Catalog, as discussed above. One cross-linking procedure is presented in Example 1.

An alternative method for producing the polymeric carrier involves determining the amino acid sequence of the peptide fragment, synthesizing a DNA sequence that encodes a polypeptide comprising at least one copy of the peptide fragment, expressing the DNA sequence in recombinant host cells (thereby producing the polypeptide), and purifying the polypeptide from the recombinant cells for use as a polymeric carrier. The DNA sequence may encode a polymeric carrier comprising multiple drug-binding domains. Alternatively, multiple copies of a single drug-binding peptide fragment produced by the recombinant cells may be purified and enzymatically ligated together to form multi-domain polymeric carriers.

EXAMPLE 3

Preparation of a Polymeric-Carrier-Antibody Conjugate

A polymeric carrier such as one produced as described in Example 1 or 2 is covalently bound to an antibody as follows. This is an alternative procedure to the methods for forming conjugates described in Example 1.

The polymeric carrier is conjugated to a monoclonal antibody through a thioether linkage. The polymeric carrier is first reacted with succinimidyl 4-(N-maleimido-methyl)cyclohexane-1-carboxylate (SMCC) at a molar ratio of 1:10 (carrier:linker). Excess heterobifunctional linker reagent is removed from derivatized polymeric carrier by gel filtration. The antibody is treated with 25 mM dithio-threitol (DTT) in 0.01M phosphate-buffered saline (PBS), pH 7.5, and excess DTT is removed by gel filtration. The derivatized polymeric carrier and the reduced antibody components are mixed and incubated at room temperature for 15-60 minutes.

The conjugation reaction mixtures are then fractionated by FPLC gel filtration on a TSK 3000 column at 0.5 ml/min to separate the immunoconjugate from unconjugated antibody and unreacted derivatized carrier.

If a drug were not bound to the polymeric carrier prior to the step of conjugation to the antibody, the resulting immunoconjugate is mixed with the drug in a

buffered solution, whereby the drug becomes associated with the polymeric carrier. Non-bound drug is removed by gel filtration or dialysis. The thus-produced conjugate of the present invention may be administered to a patient bearing a target site to which the antibody binds, wherein the target site is to be treated with the drug. The antibody may be a monoclonal antibody that binds to a tumor, and the drug is an anti-cancer drug.

EXAMPLE 4

Polymeric Carriers Isolated from HSA

The full-length protein human serum albumin (HSA) is purified from human blood plasma or from recombinant cells by known procedures. See, for example, U.S. Pat. Nos. 4,684,723; and Lawn et al., *Nucleic Acids Research*, Vol. 9, No 22, 1981. The protein is subjected to digestion with a proteolytic enzyme to generate polypeptide fragments which are separated by electrophoresis (e.g., on an SDS-polyacrylamide gel). The ability of each polypeptide fragment to bind a particular drug of interest is analyzed by procedures which detect protein-bound drug versus free drug, such as those described in Examples 1 and 2. The drug is a drug that the parent protein binds non-covalently (see Table I).

Drug-binding polypeptide fragments suitable for use as polymeric carriers thus are identified. If desired, smaller peptide fragments may be generated by enzymatic or chemical cleavage of the thus-identified drug-binding polypeptide fragment. The drug-binding assay is repeated on the smaller fragments to identify the smallest peptide fragment comprising a drug-binding domain. The amino acid sequence of each carrier is determined using the standard Edman degradation process, as described above. Once the amino acid sequence is determined, the carriers are synthesized as needed using a commercially available peptide synthesizer. Multi-domain polymeric carriers may be produced by joining multiple copies of the peptide together using bifunctional linkers.

Alternatively, a DNA sequence which encodes the desired amino acid sequence (preferably multiple copies thereof) is synthesized in vitro. The synthesized DNA sequence is inserted into an appropriate expression vector and appropriate host cells are transformed with the recombinant vector. The cells are subjected to an appropriate screening process to identify recombinant cells producing the carrier polypeptide of interest. For example, lysates of samples of the cultures may be subjected to gel electrophoresis to identify those producing a polypeptide of the size expected for the carrier polypeptide. Further analysis may involve one of the above-described drug-binding assays.

A recombinant microbial strain producing the desired carrier polypeptide is cultured on a larger scale to produce the carrier polypeptide as needed.

EXAMPLE 5

Pharmaceutical Composition Comprising Polymeric Carrier and Drug

A single- or multi-domain version of the polymeric carrier derived from RBP is reacted with doxorubicin and/or other anthracyclines as described in Example 1. Unbound drug is removed by gel filtration. Carrier-bound drug is then lyophilized with a typical additive such as lactose. Upon reconstitution to form an aqueous solution, the composition is administered to patients with tumors. Improved tumor delivery and less cardiac toxicity (compared to administration of the free drug)

are expected to be achieved, thereby allowing higher dose levels as well as administration to patients who are no longer eligible for treatment with adriamycin because of cumulative cardiac toxicity. The slow release of the drug from the polymeric carrier also maintains higher serum concentrations for longer periods of time.

From the foregoing, it will be appreciated that, although specific embodiments of the invention have been described herein for purposes of illustration, various modifications may be made to the invention without departing from the spirit and scope of the invention.

We claim:

1. A targeting protein/polymeric carrier/drug conjugate comprising a targeting protein covalently bound to a polymeric carrier that comprises a drug-binding domain derived from a drug-binding protein, and a drug non-covalently bound to the polymeric carrier, wherein the polymeric carrier does not comprise an entire drug-binding protein, but is derived from a drug-binding domain of said drug-binding protein, wherein the molecular weight of the polymeric carrier is less than about 60,000 daltons, and wherein said drug is an anti-cancer anthracycline antibiotic, cis-platinum, methotrexate, vinblastine, mitoxantrone, ARA-C, 6-mercaptopurine, 6-mercaptopurine, mitomycin C or a steroid.

2. A targeting protein/polymeric carrier/drug conjugate comprising a targeting protein covalently bound to a polymeric carrier, and a drug non-covalently bound to the polymeric carrier, wherein the polymeric carrier comprises from 2 to about 20 drug-binding domains derived from drug-binding protein; wherein the polymeric carrier does not comprise an entire drug-binding protein, but is derived from drug-binding domains of said drug-binding protein(s), and the molecular weight of the polymeric carrier is less than about 60,000 daltons.

3. The conjugate of claim 1 or 2 wherein the drug is selected from the group consisting of an anti-cancer anthracycline antibiotic, cis-platinum, and methotrexate, and the drug-binding protein is an albumin.

4. The conjugate of claim 1 or 2 wherein the drug is a steroid and the drug-binding protein is a steroid-binding protein.

5. The conjugate of claim 4 wherein the drug is an estrogen or derivative thereof and the drug-binding protein is an estrogen receptor.

6. The conjugate of claim 1 or 2 wherein the drug is selected from the group consisting of an anti-cancer anthracycline antibiotic, vinblastine, mitoxantrone, ARA-C, 6-mercaptopurine, 6-mercaptopurine, and mitomycin C, and the drug binding protein is α -1-acid glycoprotein.

7. The conjugate of claim 1 or 2 wherein the drug is an anti-cancer anthracycline antibiotic, and the drug-binding protein is riboflavin-binding protein.

8. The conjugate of claim 2 wherein the polymeric carrier comprises from 2 to about 10 drug-binding domains.

9. The conjugate of claim 2 wherein the drug-binding domains are joined through bifunctional cross-linkers.

10. The conjugate of claim 2 wherein the polymeric carrier has from 2 to about 20 anti-cancer drugs bound thereto.

11. The conjugate of claim 1 or 2 wherein the polymeric carrier comprises a peptide that increases the water solubility of the polymeric carrier.

12. The conjugate of claim 1 or 2 wherein said targeting protein is selected from the group consisting of antibodies, serum proteins, hormones, enzymes, biologic response modifiers, and fragments thereof.

13. The conjugate of claim 12 wherein said targeting protein is a monoclonal antibody or a fragment thereof.

14. The conjugate of claim 13 wherein said monoclonal antibody or fragment thereof binds to cancer cells.

15. A slow-release pharmaceutical composition having therapeutic use comprising a conjugate of claim 1 in an aqueous solution.

16. The conjugate of claim 3 wherein the anti-cancer anthracycline antibiotic is doxorubicin or daunorubicin.

17. The conjugate of claim 6 wherein the anti-cancer anthracycline antibiotic is doxorubicin or daunorubicin.

18. The conjugate of claim 7 wherein the anti-cancer anthracycline antibiotic is doxorubicin or daunorubicin.

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIRECCIÓN DE NUEVAS CREACIONES

2020
Bogotá, D.C.,

Abogado
EMILIO FERRERO

ASUNTO Radicación 06-98638
 Trámite 011
 Evento 378
 Actuación 519
 Oficio
 Folios 015

Patente de Invención	☒	Patente de Modelo de Utilidad	☐
Vía Nacional	☐	Cap. I	☐
Vía PCT (fase nacional)	☒	Cap. II	☐

No. Solicitud Internacional PCT/US2005/006931
Fecha de Presentación Internacional 03 Marzo 2005

Como resultado del Examen de Fondo realizado, con fundamento en el Artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se comunica:

1. Documentos estudiados

Descripción:	Folios 106 a 211	29 Septiembre 2006
Reivindicaciones:	Folios 212 a 242	29 Septiembre 2006
Dibujos:	Folios 243 a 259	29 Septiembre 2006
Prioridad:	US 60.550.014	03 Marzo 2004

2. Objeto de la invención

Título de la solicitud: "composiciones y métodos para diagnostico tópico y transporte terapéutico"

El problema planteado en esta solicitud consiste en la necesidad de sistema de transporte de sustancias proteicas, antígenos y ácidos nucleicos, los cuales tienen dificultad para pasar la barrera transdérmica.

Para resolver este problema técnico la solicitud en estudio proporciona composiciones y kits que comprenden una proteína biológicamente activa que excluye insulina, toxina botulínica, VEGF, y fragmentos de anticuerpos y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

El objeto de la presente Solicitud se relaciona con la Clasificación Internacional de Patentes (CIP): A61K 38/17; A61K 47/48;

3. Excepción a la Patentabilidad (Art 20 D 486 literal (d))

El objeto de las reivindicaciones 68 a 84, 93 a 99, 140 a 177 y 184 a 191 que se refiere a un método de tratamiento, no es patentable de acuerdo con el Art citado.

4. De la Solicitud de Patente

Reivindicaciones (Art 30 D 486, Art 22 PCT)

- El capítulo reivindicatorio no es conciso porque contiene un excesivo número de reivindicaciones (191), lo cual hace difícil definir cuál es el objeto que se busca proteger. Asimismo, muchas de ellas reivindican materia de forma repetitiva la cual no se diferencia entre sí y esto no permite definir ni delimitar el objeto de invención.
- Las reivindicaciones 4, 5 y 6 reclaman la misma materia contenida en la reivindicación 2 por tal razón se sugiere eliminarlas.
- Las composiciones reclamadas en todo el capítulo reivindicatorio no se encuentran adecuadamente caracterizadas puesto que una composición debe caracterizarse por todos y cada uno de sus componentes y proporciones, así mismo definir inequívocamente dichos componentes pues llevaría a reclamar un número infinito de composiciones. Es así, que se debe definir el tipo de proteína, antígeno, o componente no protéico que sirve como agente activo mediante el uso de sus secuencias específicas, ya que no puede definirse solo por su peso molecular ya que existen en la naturaleza toda serie de moléculas con dicho peso molecular.
- Las reivindicaciones 11 a 13, 15 a 17, 21 a 25, 26 a 29, 37 a 39, 41 a 43, 47 a 50, 52 a 55, 59, 65, 86, 102 a 104, 106 a 108, 112 a 115, 117 a 120 y 130 tienen la expresión "aproximadamente" la cual es imprecisa y no permite distinguir la invención del estado de la técnica. De igual manera estas expresiones ocasionan que se presenten múltiples posibilidades de composición. Se sugiere sustituir dichas expresiones lo por un término preciso o un rango concreto.
- Las composiciones de las reivindicaciones 3, 7 y 34 están caracterizadas por un resultado a alcanzar, puesto que hacen referencia a que dichas composiciones provee mayor suministro transdérmico. Lo anterior no es válido ya que la reivindicación incluiría no sólo la solución propuesta por el solicitante, sino todas las alternativas presentes o futuras que lleguen a ese resultado. Se sugiere reemplazarlo por las características esenciales, estructurales o funcionales, que contribuyen a la obtención de ese efecto.
- Las reivindicaciones 8, 35, 63, 89, 91, 133, 135, 137, 138, 181, 182 no caracterizan adecuadamente la composición y el kit reclamados puesto que estas incluyen como característica técnica esencial la función ó uso de dicha composición o kit.
- No hay coherencia entre lo reclamado en el capítulo descriptivo y lo divulgado en el capítulo reivindicatorio, ya que, la reivindicación 2 y dependientes hacen especial énfasis en que la proteína biológicamente activa excluye la toxina botulínica y los ejemplos 5 a 8 hacen referencia a composiciones que contienen

como componente activo principal la toxina botulínica, se requiere al solicitante aclarar dicha inconsistencia.

- Las reivindicaciones 60, 87 y 131 que hacen referencia a una composición de lanzamiento controlada deben ser eliminadas del capítulo reivindicatorio ya que no se encuentran soportadas en el capítulo descriptivo.
- La reivindicación 180 hacen referencia a agentes de imagen denominados Cy3, Cy3.5, Cy5, Cy5.5, Cy7, Cy7.5, Oregon green 488, Oregon green 500, Oregon green 514, proteína fluorescente Green 6-FAM, Texas Red, Hex, TET y HAMRA, los cuales corresponden a una marca registrada y por tanto no definen al producto. Se sugiere aclarar cuáles son las características del producto en cuestión.
- Las reivindicaciones 1, 33, 61, 100, 178 contienen las expresiones "cantidad efectiva para el suministro trasdérmico", "aplicador habitual", "placa de unas protésica", las cuales no permiten distinguir la invención del estado de la técnica. Se sugiere sustituir dichas expresiones por términos precisos.
- Las expresiones "proteína biológicamente activa", "estructura polimérica", "polipéptido cargado positivamente", "proteína terapéutica" que se presentan en las reivindicaciones no definen el tipo de compuesto, su estructura o su naturaleza. Se sugiere definir la proteína y el polipéptido reclamado por sus secuencias.
- Para las reivindicaciones 24, 25, 30 a 32, 50 a 58, 65, 115 a 123 y 134 se deben establecer las secuencias HIVTAT y Antennapedia PTD o las secuencias de los fragmentos reclamados. Asimismo, se deben definir los subíndices de la secuencia (Gly) (Arg) por aquellos que se encuentran soportados dentro del capítulo descriptivo.
- Se sugiere definir claramente las estructuras o la naturaleza de los compuestos que hacen referencia a "porción formadora de imagen" y "agente objetivo" dentro de las composiciones reclamadas, ya que estos términos son relativos, ambiguos, y no permiten hacer una comparación con el estado de la técnica.
- Para la reivindicación 100 y sus dependientes se debe definir inequívocamente cual es el antígeno que se encuentra en la composición, ya que solo se enuncia que están excluidos insulina, toxina botulínica, VEGF, y fragmentos de anticuerpos y existen infinitas posibilidades de antígenos dentro del estado de la técnica.
- Las reivindicaciones 178 a 183 que hacen referencia a una composición que comprende una porción formadora de imagen, un agente objetivo y un portador no son coherentes con lo divulgado en el capítulo descriptivo, ya que en este último se hace referencia a composiciones que además de contener estos tres componentes, contienen un agente biológico activo; por tal razón, se sugiere al solicitante caracterizar adecuadamente dichas composiciones de acuerdo a lo divulgado en el capítulo descriptivo.

5. Unidad de invención (Art 25 D 486)

La presente invención se refiere a composiciones que comprenden un agente activo y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente.

El concepto inventivo único de la presente solicitud es, por tanto un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente.

La búsqueda ha revelado que el concepto inventivo único es conocido, ya que el documento D1 (folio 297, página 12, línea 16 a 25) divulga un vehículo que comprende una estructura polimérica que tienen unos grupos ramificados unidos cargados positivamente, en donde la asociación entre el vehículo y el agente activo es no covalente.

Como dicho concepto inventivo único es conocido por ello, no se cumple el requisito de unidad invención.

Debido a que tampoco se encuentran otras características que puedan considerarse como elementos técnicos particulares, no hay unidad de invención.

Por lo tanto, existen los siguientes grupos de invenciones:

Grupo 1: Reivindicaciones 1 a 32 y 61 a 66 relativas a una composición y un kit que comprende una proteína biológicamente activa y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

Grupo 2: reivindicaciones 33 a 60 y 85 a 92 relativas a una composición y un kit que comprende un agente biológicamente activo sin proteína sin ácido nucleico y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

Grupo 3: reivindicaciones 100 a 139 relativas a una composición y un kit que comprende un antígeno adecuado para la inmunización y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

Grupo 6: reivindicaciones 178 a 183 relativas a una composición y un kit que comprende una porción formadora de imagen y un agente objetivo y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

NOTA: Es importante mencionar que la materia reclamada en la presente solicitud (totalidad de los grupos inventivos mencionados), ya se encuentra contenida en las

solicitudes colombianas 06-98637 y 06-98643 radicadas por el mismo solicitante en la misma fecha de presentación de la presente. Por lo tanto se sugiere al solicitante escoger una de las tres solicitudes para seguir con el trámite correspondiente.

Para el presente concepto técnico se hará el análisis de patentabilidad de los grupos inventivos 1 y 2.

6. Determinación del Estado de la Técnica

El Estado de la Técnica se determinó con base en la fecha de presentación de la solicitud de prioridad (03 Marzo 2004) y se encontraron los siguientes documentos que anticipan el objeto de esta solicitud:

Item	Documento	Título	Fecha de Publicación
D1	WO03/072049	Induction of hair grown with vascular endotelial grown factor	04 Septiembre 2003
D2	US2003/0215395	Controllably degradable polymeric biomolecule or drug carrier and method of synthesizing said carrier	20 Noviembre 2003
D3	US5252713	Polymeric carriers for non-covalent drug conjugation	12 Octubre 1993

D1 (folios 297 a 299) divulga composiciones y kits que comprenden la combinación de un agente proteico (VEGF) y un vehículo comprende una estructura positivamente cargada que tienen unos grupos ramificados unidos positivamente, en donde la asociación entre el vehículo y la proteína biológicamente activa es no covalente
URL: http://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&II=0&adjacent=true&locale=en_gb&FT=D&date=20030904&CC=WO&NR=03072049A2&KC=A2

D2 (folio 300) divulga polímeros catiónicos útiles como vehículos de agentes biológicamente activos como son, proteínas, ácidos nucleicos, ribozimas, etc.
URL: http://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&II=0&adjacent=true&locale=en_gb&FT=D&date=20031120&CC=US&NR=2003215395A1&KC=A1

D3 (folio 301 a 303) divulga portadores polímeros de tipo polipeptido que se unen de forma no covalente con agentes activos (fármacos) y sirven como agentes antigénicos par blancos farmacológicos.
URL: http://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&II=0&adjacent=true&locale=en_gb&FT=D&date=19931012&CC=US&NR=5252713A&KC=A

7. Examen de Patentabilidad (Art 14 D486)

Novedad (Art 16 D486)

Grupo Inventivo 1.

La **reivindicación 1** consiste en una composición que comprende una proteína biológicamente activa y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la

asociación entre el portador y la proteína biológicamente activa es no covalente.

Comparación de las características técnicas **esenciales**, con las del Estado de la Técnica

Características esenciales	D1
Composición	Composición
Proteína biológicamente activa	Proteína biológicamente activa (factor de crecimiento vascular endotelial – VEGF)
un portador unido de manera no covalente al agente activo	un vehículo unido de manera no covalente al agente activo
- que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente	- una estructura positivamente cargada (polilisina o polietilenoimina) que tienen unos grupos ramificados unidos cargados positivamente (HIVTAT).

Las características **esenciales** de la composición de la reivindicación 1 habían sido divulgadas previamente en D1, el cual da a conocer una composición que comprenden la combinación de manera no covalente de un agente proteico, denominado factor de crecimiento vascular endotelial – VEGF (folio 297, pagina 11, línea 25 a 30) y un vehículo que comprende una estructura positivamente cargada seleccionada de una cadena de aminoácidos (lisina, glicina, arginina, ornitina, etc.) (Folio 297, pagina 13, línea 4 a 8) ó un componente no peptídico como polietilenoimina (folio 297, pagina 12, línea 23 a 25). Dicha estructura cargada positivamente a su vez tiene ramificaciones positivamente cargadas que comprenden uniones (Gly) (Arg) o HIVTAT (folio 298, pagina 14, línea 11 a 21).

De igual manera D1 hace referencia a la presencia de otro tipo de ácidos nucleicos (folio 298, pagina 19, línea 11 a 15), agentes biológicos (folio 299, página 21, línea 30 a 33; pagina 22, línea 5 a 9) y marcadores (folio 298, pagina 18, línea 26 a 33). Dentro de los agentes biológicos que pueden estar dentro de dichas composiciones se encuentran componentes no proteicos tales como agentes antifúngicos (folio 299, pagina 22, línea 25 a 27) y dentro de los ácidos nucleicos se encuentran péptidos antigénicos para virus como el HIV y el virus de rabia (folio 299, pagina 21, línea 2 a 5).

En consecuencia, la reivindicación 1 no es nueva, según lo divulgado en el documento D1.

Las reivindicaciones dependientes 7 a 32 y 61 a 66 no mencionan alguna característica que haga nueva a la composición de la reivindicación 1, por lo cual se considera que no son nuevas.

Grupo Inventivo 2.

La **reivindicación 33** consiste en una composición que comprende un agente biológicamente activo no nucleótido, no proteína y un portador que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente y que están presentes en una cantidad efectiva para el suministro transdérmico, en donde la asociación entre el portador y la proteína biológicamente activa es no covalente.

Comparación de las características técnicas **esenciales**, con las del Estado de la Técnica:

Características esenciales	D2	D3
Composición	Composición	Composición
agente biológicamente activo no nucleótido, no proteína	Lípidos o carbohidratos	Antibióticos anticancerígenos.
un portador unido de manera no covalente al agente activo - que comprende una estructura polimérica que tienen unos grupos ramificados adheridos cargados positivamente	Portador polimerico catiónico (polilisina o polietilenoimina) que tienen unos grupos ramificados unidos cargados positivamente	Un portador polimerico de tipo polipeptido con uniones cationicas (esteroides - albumina)

Frente a D2

Las características **esenciales** de la composición de la reivindicación 33 habían sido divulgadas previamente en D2, el cual da a conocer un portador polimerico cationico que se une de manera no covalente por sus terminaciones cationicas a un agente biológico (folio 300, abstract; pagina 13, reivindicaciones 1 y 9) seleccionado entre lípidos, carbohidratos y péptidos (folio 300, pagina 13, reivindicación 10). Dicho portador polimerico puede escogerse de una cadena de polietilenimina (PI) o polilisinas (PLL) (folio 300, pagina 13, reivindicación 3).

En consecuencia, la reivindicación 33 no es nueva, según lo divulgado en el documento D1.

Las reivindicaciones dependientes 34 a 49 y 89 no mencionan alguna característica que haga nueva a la composición de la reivindicación 1, por lo cual se considera que no son nuevas.

Frente a D3

Las características **esenciales** de la composición de la reivindicación 33 habían sido divulgadas previamente en D3, el cual da a conocer conjugado que comprende un portador polimérico y un agente biológico de tipo fármaco (folio 303, columna 17, ejemplo 5; folio 303, reivindicación 1). Dicho portador comprende diferentes puentes o dominios remificados de unión proteica y están conformados esencialmente por polipéptido (folio 301, columna 3, línea 48 a 60; folio 302, columna 11, línea 20 a 30) los cuales se unen a estructuras como albumina y esteroides (folio 301, columna 5, línea 10 a 30).

En consecuencia, la reivindicación 33 no es nueva, según lo divulgado en el documento D1.

Las reivindicaciones dependientes 34 a 39 no mencionan alguna característica que haga nueva a la composición de la reivindicación 33, por lo cual se considera que no son nuevas.

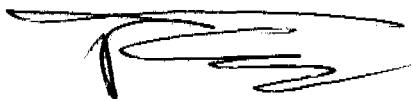
8. Conclusión

Los requisitos de Patentabilidad de la presente Solicitud están afectados así:

Item	Documento	Reivindicaciones afectadas	Requisito que afecta
D1	WO03/072049	1, 7 a 32 y 61 a 66	Novedad
D2	US2003/0215395	33 a 49 y 89	Novedad
D3	US5252713	33 a 39	Novedad

En cumplimiento del artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le indica que debe dar respuesta dentro del término de sesenta (60) días contados a partir de la fecha de notificación de la presente comunicación. En caso de no dar respuesta al presente requerimiento, o si a pesar de la respuesta subsistieran los impedimentos para la concesión, se denegará la patente.

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



JOSÉ LUIS SALAZAR LÓPEZ
Director de Nuevas Creaciones (C)

El anterior requerimiento fue notificado por fijación en lista, de fecha

Elaborado por: Ana Delia Pinzón García
Revisado Por: Jacqueline Alfonso
Aprobado por: José Luis Salazar López