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**ABOGADOS**  
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Bogotá, D.C., COLOMBIA

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No 06-122962-00004-0000

Fecha: 2007-04-25 14:27:37 Dep. 2020 NUECREACIONE  
Tra. 11 PATENTEIYII Eje: 379 FASENACIONALII  
Act. 444 RESPUESTAREQUE Folios: 12

Señora

**Jefe de la División de Nuevas Creaciones**

**Superintendencia de Industria y Comercio**

**Ministerio de Comercio, Desarrollo Industria y Turismo**

E. S. D.

Ref.: Expediente No. 06.122.962

Solicitud de Patente PCT entrada fase nacional para: 1H-INDAZOLES,  
BENZOTIAZOLES, 1,2-BENZOISOXAZOLES, 1,2-BENZOISOTIAZOLES Y  
CROMONAS Y PREPARACION Y USOS DE LOS MISMOS.

Solicitante: MEMORY PHARMACEUTICALS CORPORATION

## **RESPUESTA A EXAMEN DE FORMA**

**MARGARITA CASTELLANOS ABONDANO**, mayor de edad,  
identificada y domiciliada como aparece al pie de mi firma, en atención a su  
oficio No. 2787 Notificado el 2 de marzo de 2007, atentamente me permito  
dar respuesta al mismo de la siguiente manera:

Establece el funcionario examinador que:

"El solicitante debe aclarar si la solicitud corresponde al capítulo I o II del  
PCT".

Con el objeto de atender a las anteriores observaciones, me permito  
presentar el siguiente documento:

- Copia del Reporte Preliminar Internacional sobre patentabilidad  
(capítulo I). Por lo tanto, solicito que el trámite de la presente  
solicitud continúe bajo capítulo I del PCT.

Cumplido así con lo dispuesto, atentamente solicito a Ud. se continúe con el trámite correspondiente a esta solicitud de Patente de Invención.

De la Señora Jefe,

  
Margarita Castellanos Abondano  
C.C. No. 39.779.654 de Usaquén  
T.P.A. No. 70819 del C. Sup. de la Judicatura  
Calle 94 A No. 7 A - 09  
Teléfonos: 610 74 20

Bogotá, D.C., 25 ABR. 2007

MCA/jdf-1427

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------|------------------|
| Applicant's or agent's file reference<br>MEMORY-0051 WO                                                                          | FOR FURTHER ACTION                                                     |                                                            | See item 4 below |
| International application No.<br>PCT/US2005/015837                                                                               | International filing date (day/month/year)<br>08 May 2005 (08.05.2005) | Priority date (day/month/year)<br>07 May 2004 (07.05.2004) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |                                                                        |                                                            |                  |
| Applicant<br>MEMORY PHARMACEUTICALS CORPORATION                                                                                  |                                                                        |                                                            |                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                 |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------|----------|-------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------|----------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------|-------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-------------------------------------------------------|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 10 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                 |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <p>3. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> Box No. I                                                                                                                   | Basis of the report | <input checked="" type="checkbox"/> Box No. II | Priority | <input checked="" type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input checked="" type="checkbox"/> Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application | <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> Box No. I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Basis of the report                                                                                                                                             |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Priority                                                                                                                                                        |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. IV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Lack of unity of invention                                                                                                                                      |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Certain documents cited                                                                                                                                         |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. VII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Certain defects in the international application                                                                                                                |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |
| <input checked="" type="checkbox"/> Box No. VIII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Certain observations on the international application                                                                                                           |                     |                                                |          |                                                 |                                                                                                  |                                                |                            |                                               |                                                                                                                                                                 |                                                |                         |                                                 |                                                  |                                                  |                                                       |

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|----------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The International Bureau of WIPO<br/>34, chemin des Colombettes<br/>1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p> |  | <p>Date of issuance of this report<br/>07 November 2006 (07.11.2006)</p> <p>Authorized officer<br/><br/>Nora Lindner</p> <p>e-mail: <a href="mailto:pt02@wipo.int">pt02@wipo.int</a></p> |
|----------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Form PCT/IB/373 (January 2004)

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

RECD 16 MAY 2006

WIPO PCT

PCT

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To:

see form PCT/ISA/220

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

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

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

FOR FURTHER ACTION  
See paragraph 2 below

International application No.  
PCT/US2005/015937

International filing date (day/month/year)  
06.05.2005

Priority date (day/month/year)  
07.05.2004

International Patent Classification (IPC) or both national classification and IPC  
INV. C07D471/08 C07D487/08 A61K31/4985 A61K31/551 A61P25/28

Applicant  
MEMORY PHARMACEUTICALS CORPORATION

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

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

### 2. FURTHER ACTION

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

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

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

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

Name and mailing address of the ISA:



European Patent Office  
D-80590 Munich  
Tel. +49 89 2369 - 0 Tx: 623058 epmu d  
Fax: +49 89 2369 - 4465

Authorized Officer

Helms, I

Telephone No. +49 89 2369-8209



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/015937

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 43-67(part)

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 43-67(part)

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/015937

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**Box No. IV Lack of unity of invention**

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☒ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos.

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

**1. Statement**

|                               |             |                 |
|-------------------------------|-------------|-----------------|
| Novelty (N)                   | Yes: Claims | 1-67            |
|                               | No: Claims  |                 |
| Inventive step (IS)           | Yes: Claims |                 |
|                               | No: Claims  | 1-67            |
| Industrial applicability (IA) | Yes: Claims | 1-42            |
|                               | No: Claims  | 43-67 see below |

**2. Citations and explanations**

see separate sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/015937

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**Box No. VI Certain documents cited**

1. Certain published documents (Rules 43bis.1 and 70.10)  
and/or
2. Non-written disclosures (Rules 43bis.1 and 70.9)  
see form 210

**Box No. VII Certain defects in the International application**

The following defects in the form or contents of the International application have been noted:  
see separate sheet

**Box No. VIII Certain observations on the International application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
see separate sheet

#### IV. LACK OF UNITY OF INVENTION

The claims on file do not relate to a single invention because there is no novel structural feature which is common to all of the claimed compounds of formulae (I)-(VIII) as defined in claim 1. It is noted that 1,4-Diaza-bicyclo[3.2.2]nonanes linked to benzo fused five membered heterocycles through CO are known from documents (A) and (B) cited below, with compounds of formula (VI) of claim 1 rendered novel over the compounds of document (A) by the presence of an R12 group on the benzo fused heterocycle. This structural feature is not present on the compounds of formulae (IV), (V), (VII) and (VIII) which all have a fused pyranone or thiopyranone moiety. Hence the present application appears to contain two inventions as defined below.

- 1 Compounds of formulae (I), (II), (III) and (VI) which all contain fused five membered nitrogen containing heterocycles, as well as pharmaceutical compositions and their use, claims 1(part), 2-4, 7, 10, 11-13(part), 14, 15-16(part), 18-24(part), 27, 28(part), 29-33, 35, 36-37(part), 38, 39-41(part), 42-64(part), 65, 66-67(part).
- 2 Compounds of formulae (IV), (V), (VII) and (VIII) which all contain a fused pyranone or thiopyranone moiety, as well as pharmaceutical compositions and their use, claims 1(part), 5, 6, 8, 9, 11-13(part), 15-16(part), 17, 18-24(part), 25, 26, 28(part), 34, 36-37(part), 39-41(part), 42-64(part), 66-67(part).

The Applicant has paid additional fees for the second invention as defined above. this Written Opinion has therefore been drawn for all claims.

#### V. CITATIONS AND EXPLANATIONS

The following documents are mentioned in this Written Opinion.

|                  |     |
|------------------|-----|
| FR-A-2,845,388   | (A) |
| WO-A-2004 016616 | (B) |
| EP-A-1,219,622   | (C) |
| WO-A-00 58311    | (D) |
| WO-A-2005 077955 | (E) |

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WO-A-2003 070728 (F)  
US-A-2003 225628 (G)  
US-A-2003 236279 (H)  
WO-A-2005 030777 (I)

The compounds of formulae (I), (II), and (III) of claim 1 are rendered novel by the specific fused nitrogen containing five membered heterocycles. The compounds of formula (VI) of claim 1 are rendered novel by the presence of an R12 substituent bound to the fused six membered ring. The compounds of formulae (IV), (V), (VII) and (VIII) of claim 1 are rendered novel by the fused oxo substituted pyran or piperidine ring. The dependent claims 2-41 are novel by consequence. Claim 42, drawn to pharmaceutical compositions containing compounds of claim 1, and claims 43-67 drawn to methods of treatment using compounds of claim 1 are also novel by consequence.

Claims 1-67 therefore meet the Novelty requirements of Article 33(2) PCT.

1,4-Diaza-bicyclo[3.2.2]nonanes which are acylated by benzopyrazol-3-ylcarbonyl groups are known from document (A) to have nicotinic acetylcholine receptor binding activity (see table). The benzopyrazol-3-yl group can also be replaced by benzofuran-2-yl, indol-5-yl, 1-methylindol-2-yl, or benzothiophen-2-yl in order to make available further nicotinic acetylcholine receptor binding compounds (see document (B), examples 4, 9, 11 and 13). Thus it is known that various benzo fused five membered heterocycles can be linked to the 1,4-diaza-bicyclo[3.2.2]molety in order to prepare nicotinic acetylcholine receptor binders. The compounds of formulae (I), (II), (III) and (VI) are to be seen as alternative structural variations, in which further benzo fused heterocycles are linked to the diazabicyclo molety, or in the case of the benzopyrazole derivatives of formula (VI), substituents are added to the ring. It is also noted that the general formula of document (B) includes diazabicyclo[3.2.1]octanes in which a fused six membered aryl ring is linked to the diazabicyclic ring via a carbonyl group (cf. example 10, which differs from compounds of formula (V) of claim 1 in that the naphthalene group is replaced by a 4-oxo-quinolinyl group. Also, document (G) describes CNS- active compounds in which a diazabicyclo[3.2.1]octane molety is substituted by pyridinyl, which may be directly bound or

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linked via CH<sub>2</sub> (see formulae VI and VII on pages 7 and 8, the pyridinyl could also be replaced by quinolinyl as suggested on page 3, paragraph 29). Given the range of benzo fused heterocycles already investigated in documents (A), (B) and (G) as substituents for the diazabicyclo[3.2.1]octane pharmacophore, the skilled man would have had a reasonable expectation that the preparation of further benzo fused heterocyclic derivatives would lead to compounds which retain the nicotinic acetylcholine receptor binding activity.

Consequently, inventive step (Article 33(3) PCT) cannot be recognised because the problem of making available further nicotinic acetylcholine receptor binding compounds appears to have been solved in an obvious manner. Inventive step for the presently claimed compounds could be recognised if the Applicant could demonstrate an unexpected effect in comparison with the structurally closest prior art compound (e.g. compound 4 from table 1 of (A), or example 10 of document (B)). The applicant is requested to submit all available information and argumentation in order to make credible the involvement of inventive step for the presently claimed compounds.

Document (C) describes nAChR binding compounds having a benzo fused five membered heteroaryl directly bound to a diazabicyclooctane nitrogen, and document (D) describes bicyclo[3.2.1]octanes substituted on nitrogen by a phenoxycarbonyl or phenylaminocarbonyl as nAChR binders. Documents (F) and (H) describe azabicyclic compounds substituted on nitrogen by benzoylamino groups. The compounds of these documents are considered to be structurally less close than the compounds of documents (A), (B) and (G).

For the assessment of the present claims 43-67 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

## **VI. CERTAIN CITED DOCUMENTS**

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At present no priority document is available. The examination has been carried out assuming that the priority date is validly claimed. If during the subsequent procedure (e.g. EPO examination) the priority date is found to be invalid for some or all of the presently claimed subject matter, the intermediate documents (E) and (I) may be taken into consideration for the evaluation of Novelty and/or Inventive step.

**VII. CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION**

Contrary to the requirements of Rule 5.1(a)(II) PCT, the relevant background art disclosed in the documents (A), (B) and (G) is not mentioned in the description, nor are these documents identified therein.

**VIII. CERTAIN OBSERVATIONS ON THE INTERNATIONAL APPLICATION**

In view of the very long lists of substituents used in claim 1, it appears that this claim is not concise within the meaning of Article 6 PCT.

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