07-3[illegible] 464

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Señores
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
E. S. D.

RESPUESTA A OFICIO 8890 DE 27 JULIO 2007

REF: Expediente No. 07 034 204 - Solicitud de Patente FASE NACIONAL
Corresp. a la Solicitud Internacional PCT/US2005/034647
a favor de **GENENTECH, INC.**
Titulada: MÉTODO PARA TRATAR VASCULITIS

JUAN PABLO CADENA SARMIENTO, vecino de Bogotá, portador de la tarjeta profesional No. 57492, obrando como apoderado de la Sociedad **GENENTECH, INC**, según lo acredita el documento de Poder presentado en esa División, para dar cumplimiento al requerimiento notificado por fijación en lista el 27 de julio de 2007, de acuerdo con los Artículos 38 y 39 de la Decisión 486 de la Comisión de la Comunidad Andina, Artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la SIC, me permito anexar al presente escrito los siguientes documentos:

1. Documento donde consta la cesión del derecho a la Patente otorgado por el inventor al solicitante, debidamente apostillado, junto con su correspondiente traducción al castellano.

2. Reporte Preliminar Internacional sobre la Patentabilidad (Formas PCT/IB/373 y PCT/ISA/237).

3. Extracto para publicación y Tarjeta de Archivo Temático.

De la señora jefe atentamente,

JUAN PABLO CADENA SARMIENTO
C.C. No. 80.410.337 de Usaquén
Cra. 7 No. 71-21, Torre B, Piso 4

Bogotá, 18 de septiembre de 2007
MEV/JCN/aac

extracto de pb folio 466

Industria y Comercio
SUPERINTENDENCIA

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
TARJETA ARCHIVO TEMÁTICO
PATENTE DE INVENCION _X_ PCT _X_ MODELO DE UTILIDAD ___ DISEÑO INDUSTRIAL ___

(21) N° de solicitud: 07 034 204 (22) Fecha de solicitud: 04-04-2007
(51) Clasificación Internacional :

(71) Solicitante(s) **GENENTECH, INC.**

(72) Inventor(es) Paul G. BRUNETTA

(74) Agente: IUAN PABLO CADENA SARMIENTO

(30) Prio. | (31) No. Prioridad | (32) Fecha | (33) País
60/616,104 | 30-10-2004 | US

FIGURA CARACTERISTICA

(85) Fecha inicio fase nacional: 05-05-2007
(86) Datos relativos a la presentación de la solic. PCT
Fecha de presentación de la solicitud: 28-09-2005
No. de solicitud: PCT/US2005/034647

(87) Publicación internacional:
Fecha: 20-04-2006
No. Publicación: WO 2006/041680 A2

(54) Titulo: **MÉTODO PARA TRATAR VASCULITIS**

(57) Resumen: La presente invención concierne a métodos para tratar vasculitis asociada con anticuerpos anticitoplasma de los neutrófilos (ANCA) en un sujeto, y kits con instrucciones para tales usos. Adicionalmente se proporciona un artículo de fabricación, que comprende un envase que contiene un anticuerpo CD20, y un prospecto de envase con instrucciones para tratar vasculitis asociada con anticuerpos anticitoplasma de los neutrófilos (vasculitis asociada con ANCA) en un paciente, en donde las instrucciones indican que una dosis del anticuerpo CD20 de alrededor de 400 mg a 1.3 gramos con una frecuencia de una a tres dosis se administra al paciente en un período de alrededor de un mes.

CONTINUA AL RESPALDO ...

AS:103461

JNO/JH/LS

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

RECEIVED
JUN 22 2007

To:

HASAK, Janet E.
GENENTECH, INC.
1 DNA Way
South San Francisco, California 94080-4990
ETATS-UNIS D'AMERIQUE

GENENTECH, INC.
LEGAL DEPT.

Date of mailing *(day/month/year)*	
07 June 2007 (07.06.2007)	
Applicant's or agent's file reference P2177R1	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2005/034647	28 September 2005 (28.09.2005)	05 October 2004 (05.10.2004)

Applicant
GENENTECH, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

Calendared/LRS
Send IPRP to Assocs LD
25 JUL 07
Due Date

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 338 82 70	e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44*bis*)

Applicant's or agent's file reference P2177R1	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2005/034647	International filing date *(day/month/year)* 28 September 2005 (28.09.2005)	Priority date *(day/month/year)* 05 October 2004 (05.10.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GENENTECH, INC.		

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 *bis*.1(a).

2. This REPORT consists of a total of 14 sheets, including this cover sheet.

   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.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	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 Article 35(2) 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

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.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 44*bis*.2).

	Date of issuance of this report 30 May 2007 (30.05.2007)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 338 82 70	e-mail: pt07.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

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

Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)	
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2005/034647	28.09.2005	05.10.2004

International Patent Classification (IPC) or both national classification and IPC
INV. C07K16/28

Applicant
GENENTECH, INC.

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	see form PCT/ISA/210	Gruber, Andreas Telephone No. +31 70 340-8997

Form (PCT/ISA/237) (Cover Sheet) (April 2005)

Box No. I Basis of the opinion

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

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

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

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

   a. type of material:

      ☒ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☒ on paper

      ☒ in electronic form

   c. time of filing/furnishing:

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

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

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:

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. 1-36 (all partially)

because:

☒ the said international application, or the said claims Nos. 1-36 (all with regard to industrial applicability) relate to the following subject matter which does not require an international search *(specify)*:

see separate sheet

☐ 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 *(specify)*:

☐ no international search report has been established for the whole application or for said claims Nos.

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

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

☐ See Supplemental Box for further details

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, within the applicable time limit:

   ☐ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☒ 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. 1-40,119-124 (all partially)

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

1. Statement

Novelty (N)	Yes:	Claims	2-36,38-40,120-124
	No:	Claims	1,37,119
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-40,119-124
Industrial applicability (IA)	Yes:	Claims	37-40,119-124
	No:	Claims	

2. Citations and explanations

   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

The present application describes treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis), e.g. Wegener's granulomatosis or microscopic polyangiitis, by administering a CD20 antibody.

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO 01/97858 A2 (IDEC PHARMA CORP [US]) 27 December 2001
D2: WO 00/67796 A (GENENTECH INC [US]; IDEC PHARMACEUTICALS INC [US]) 16 November 2000
D3: WO 00/74718 A (IMMUNOMEDICS INC [US]; GOLDENBERG DAVID M [US]; HANSEN HANS J [US])
D4: SPECKS U ET AL: "RESPONSE OF WEGENER'S GRANULOMATOSIS TO ANTI-CD20 CHIMERIC MONOCLONAL ANTIBODY THERAPY" ARTHRITIS AND RHEUMATISM, vol. 44, no. 12, December 2001, pages 2836-2840
D5: WO 2004/035607 A2 (GENMAB AS [DK]; TEELING JESSICA [NL]; RUULS SIGRID [NL]; GLENNIE MARTI) 29 April 2004

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 1-36 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(I) PCT).

Re Item IV

Lack of unity of invention

The application does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT, and multiple inventions were found, as follows:

Invention 1: **claims 1-40,119-124 (all partially)**

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient in a dose of 400 mg to 1.3 grams at a frequency of one to three doses within a period of one month, article of manufacture comprising CD20 antibody, whereby CD20 antibody is Rituximab.

Inventions 2: **claims 1-124 (all partially)**

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID Nos 2 and 8.

Inventions 3: **claims 1-124 (all partially)**

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID NOS 39 and 40.

Inventions 4: **claims 1-124 (all partially)**

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID NOS 32 and 33.

Inventions 5: **claims 1-124 (all partially)**

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising a variable heavy-chain domain with alteration N100A, or D56A and N100A, or D56A, N100Y, and S100aR in SEQ ID NO 8 and a variable light-chain domain with alteration M32L, or S92A, or M32L and S92A in SEQ ID NO 2.

Invention 6: claims 41-118 (all partially)

A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a subject comprising administering an effective amount of a CD20 antibody to the subject to provide an initial antibody exposure followed by a second antibody exposure, wherein the second exposure is not provided until from about 16 to 54 weeks from the initial exposure 42 The method of claim 41 wherein each of the antibody exposures is provided to the subject as a single dose or as two or three separate doses of antibody whereby CD20 antibody is Rituximab.

The concept or problem to be solved by the subject-matter of claims 1-124 may be regarded as the provision of methods for treating anti-neutrophil cytoplasmic antibodies (ANCA)- associated vasculitis in a subject (page 1, paragraph 2) using a CD20 antibody (e.g. claim 1).

However, this problem has been solved already:

WO0197858 (D1) discloses (the references in parentheses applying to this document): treatment of e.g. vasculitis (page 55, paragraph 2) comprising anti-CD20 antibody Rituximab (page 1) or an equivalent to Rituximab (claim 1) at a concentration of 0.1 mg to 500 mg/m^2 or more per week, or with a dosage of about 375 mg/m^2 weekly for four weeks (claims 6-8).

WO0067796 (D2) discloses (the references in parentheses applying to this document): treatment of vasculitis (page 3, paragraph 3) with Rituximab in the range from about 20mg/m^2 to about 1000mg/m^2 (page 23, lines 17-22).

WO0074718 (D3) treatment of Wegener's granulomatosis (claim 7) by administration as continuous infusion or by single or multiple boluses (page 18, first paragraph) of 20 to 2000 mg per dose (claim 2) anti-CD20 antibody (claim 12), further disclosed is Rituximab (examples 5,6).

Document D4 discloses treatment of Wegener's granulomatosis comprising administration of 375mg/m^2 of Rituximab 4 times per week (the whole document, e.g. abstract, page 2838, left-hand column, paragraph 2; Fig. 1).

Note: D4 discloses the treatment of a 66-year old man (page 2837, left-hand column, first paragraph) which is expected to corresponds to a body surface area of at least 1.5 m^2, and thus to an amount of Rituximab of at least 560 mg per dose.

WO2004035607 (D5) discloses the treatment of Wegener's granulomatosis with CD20 antibodies (page 14) administered by infusion in a weekly dosage of 10 to 500 mg/m^2 , and may be repeated, e. g., 1 to 8 times (page 53, lines 20-24).

In the light of the prior art, it should be concluded that there is no common concept underlying the subject-matter of claims 1-124.

The technical problem to be solved by the present application is to provide a treatment that reduces the frequency of infusions of active drug within a month's time, that reduces the risk of toxic effects of currently used drugs such as steroids and chemotherapeutic agents, and to reduce the risk of disease flares, relapses, and recurrences in patients with ANCA-associated vasculitis, and to sustain remission and maintain sustained remission for a prolonged period of time (page 11, lines 17-21). The solutions to this problem and/or the special technical features, representing a contribution over the prior art, of the different inventions in the present application are as follows:

Solution 1: A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising

administering a CD20 antibody to the patient in a dose of 400 mg to 1.3 grams at a frequency of one to three doses within a period of one month, article of manufacture comprising CD20 antibody, whereby CD20 antibody is Rituximab. **This solution is known from the prior art and no special technical feature is present.**

Solution 2: A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID Nos 2 and 8.

Solution 3: A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID NOS 39 and 40.

Solution 4: A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising the variable domain sequences in SEQ ID NOS 32 and 33.

Solution 5: A method of treating anti-neutrophil cytoplasmic antibodies-associated vasculitis (ANCA-associated vasculitis) in a patient comprising administering a CD20 antibody to the patient, article of manufacture comprising CD20 antibody, whereby CD20 antibody is humanized 2H7 comprising a variable heavy-chain domain with alteration N100A, or D56A and N100A, or D56A, N100Y, and S100aR in SEQ ID NO 8 and a variable light-chain domain with alteration M32L, or S92A, or M32L and S92A in SEQ ID NO 2.

Solution 6: A method of treating anti-neutrophil cytoplasmic antibodies-associated

vasculitis (ANCA-associated vasculitis) in a subject comprising administering an effective amount of a CD20 antibody to the subject to provide an initial antibody exposure followed by a second antibody exposure, wherein the second exposure is not provided until from about 16 to 54 weeks from the initial exposure 42 The method of claim 41 wherein each of the antibody exposures is provided to the subject as a single dose or as two or three separate doses of antibody whereby CD20 antibody is Rituximab.

Thus, at least one solution, i.e. solution 1, to the problem is already disclosed and the remaining solutions may be seen as alternative solutions to the problem.

The inventions described in claims 1-124 are different from each other, and there is no special technical feature that links these inventions together. Thus, the technical relationship between the different inventions described in claims 1-124 required by Rule 13.2 PCT is lacking, and the requirement for unity of invention referred to in Rule 13.1 PCT is not fulfilled.

1 The following opinion is given for the subject-matter searched, i.e. invention 1 as described above:

Re Item V

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

2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims 1,37,119 is not new in the sense of Article 33(2) PCT.

2.1 The document D5 makes the disclosure as stated above.

Thus, the subject-matter of independent claims 1,37,119 is not new in the sense of Article 33(2) PCT.

2.2 The document D4 makes the disclosure as stated above and the unclear statement "about one month" does not allow to distinguish the subject-matter of claim 1 from D4.

Thus, the subject-matter of independent claims 1,37,119 is not new in the sense of Article 33(2) PCT.

3 Dependent claims 2-36,38-40,120-124 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows: In view of the prior art (e.g. documents D1-D5), the skilled person would regard the subject-matter of these claims as a normal option. The subject-matter of claims 2-36,38-40,120-124 does therefore not involve an inventive step in the sense of Article 33(3) PCT.

4 The subject-matter of claims 37-40,119-124 is susceptible of industrial application (Article 33(4) PCT).

5 For the assessment of the present claims 1-36 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.

Re Item VIII

Certain observations on the International application

6 The term "about" used throughout the claims is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.

7 The expression "incorporated by reference" and similar expressions on:

- page 1 line 11,
- page 60, line 28

should have been deleted from the description. If matter in the documents referred to is essential to satisfy the requirements of Art. 5 PCT, then this matter should be expressly incorporated into the description.

AS: 103466

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: *United States of America*

This public document

2. has been signed by N. Williams

3. acting in the capacity of Certifying Officer

4. bears the seal/stamp of Patent and Trademark Office

Certified

5. at Washington, D.C.

6. the twenty-first of August, 2007

7. by *Assistant Authentication Officer, United States Department of State*

8. No. 07034032-1

9. Seal/Stamp:

10. Signature:

Sonya N. Johnson

/ Colombia 2D 453

A 7063809

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

April 20, 2007

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON FEBRUARY 04, 2005.

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

N. WILLIAMS
Certifying Officer

484

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

RECORDATION FORM COVER SHEET
PATENTS ONLY

Atty Dkt No: PR2177

Assistant Commissioner of Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Paul G. Brunetta

Additional name(s) of conveying party(ies) attached? _ Yes x No

2. Name and address of receiving party(ies):

Name: GENENTECH, INC.

Internal Address:

Street Address: 1 DNA Way

City: South San Francisco State: California

ZIP: 94080-4990

Additional name(s) & address(es) attached? _ Yes x No

3. Nature of conveyance:

x Assignment Merger

Security Agreement

Change of Name

Other:

Execution Date: February 2, 2005

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

60/616,104

B. Patent No.(s)

Additional numbers attached? _ Yes _ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Janet Hasak
GENENTECH, INC.
1 DNA Way
South San Francisco, CA 94080

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): $ 40.00

_ Enclosed

X Authorized to be charged to deposit account

8. Deposit account number:
07-0630

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Janet Hasak
Name of Person Signing
Registration No. 28,616

Janet E Hasak
Signature

February 4, 2005
Date

Total number of pages comprising cover sheet, attachments and document: 3

Revised (10/11/95

CH $40.00 070630 60616104

Docket No. PR2177

ASSIGNMENT

WHEREAS, Paul G. Brunetta, a citizen of United States of America, residing at 1257 Hampshire Street, San Francisco, Califonia 94110 (hereinafter "ASSIGNOR"), has invented a new and useful invention in

METHOD FOR TREATING VASCULITIS

for which a provisional application Serial No. 60/616,104, if received (Docket No. PR2177) has been filed by him on 05 October 2004; and

WHEREAS, GENENTECH, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, having a place of business at 1 DNA Way, South San Francisco, California 94080-4990, is desirous of acquiring an interest in and to said invention, and in and to the Letters Patents to be obtained therefor;

NOW, THEREFORE, be it known by all whom it may concern;

That for good and valuable consideration the receipt of which is hereby acknowledged, the said ASSIGNOR have and do hereby sell, assign, transfer and set over unto the said GENENTECH, INC., its successors and assigns, the full and exclusive right, title and interest including all rights under the Paris Convention for the Protection of Industrial Property, in and to said invention, and in and to any and all Letters Patents to be granted and issued therefor or any continuation, division, renewal, or substitute thereof, and as to Letters Patents any reissue or re-examination thereof, not only for, to, and in the United States of America, its territories and possessions, but for, to and in all other countries; and it has been and is hereby authorized and requested that the appropriate government agencies issue said Letters Patents to said GENENTECH, INC., in accordance with this Assignment.

Said ASSIGNOR covenants and agrees to cooperate with GENENTECH, INC., to enable said GENENTECH, INC. to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said ASSIGNOR includes prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said GENENTECH, INC., (a) for perfecting the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting applications for reissuance of any of said patents; (d) for interference or other priority proceedings involving said invention; and (e) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said ASSIGNOR in providing such cooperation shall be paid for by said GENENTECH, INC.

The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNOR, their respective heirs, legal representatives and assigns.

Said ASSIGNOR hereby warrants and represents that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF I undersign as follows:

Paul G. Brunetta

South San Francisco

Dated: 2/2/05

Genentech, Inc.
Genentech, Inc.
Genentech, Inc.

1 DNA WAY
South San Francisco, CA 94080
(415) 225-1000
Facsimile: **(650) 952-9881**

FACSIMILE TRANSMITTAL

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Pamela Gavette
Type or print name of person signing certification

Signature Pamela Gavette **Date:** Feb 4 **, 2005**

DATE: February 4, 2005

Please deliver the following page(s) to:

NAME: Mail Stop: Assignments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax No.: 1-703-306-5995

FROM: Janet Hasak
Registration No.: 28,616

RE: U.S. Serial No.: 60/616,104
Our Docket No.: PR2177

Number of Pages including this cover sheet - 3

CONFIDENTIAL NOTE

The documents accompanying this facsimile transmission contain information from GENENTECH, INC. which is confidential or privileged. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this faxed information is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us and the retransmission of them to the intended recipient.

If you do not receive all pages, please notify Pamela Gavette at (650) 225-3230.

TRADUCCION AL ESPAÑOL del Documento de Cesión a **GENENTECH, INC.** firmado por los cedentes y el cesionario.

APOSTILLA

(Convención de La Haya del 5 de octubre de 1961)

1. País: Estados Unidos de América

   Este documento público
2. ha sido firmado por N. Williams
3. actuando en capacidad de Funcionario que Certifica
4. lleva el sello/timbre de la Oficina de marcas y patentes

Certificado

5. en Washington D.C.
6. el veintiuno de Agosto de 2007
7. por el Funcionario de Autenticación Asistente, Departamento de Estado de Estados Unidos
8. No. 07034032-1
9. Sello/timbre

10. Firma

(Firma)

Sonya N. Johnson

[sello]

LOS ESTADOS UNIDOS DE AMÉRICA
A TODO AQUEL QUE PUEDA LLEGARLE LA PRESENTE:

DEPARTAMENTO DE COMERCIO DE ESTADOS UNIDOS
Oficina de Marcas y Patentes de Estados Unidos

Abril 20 de 2007

ESTE ES PARA CERTIFICAR QUE EL ANEXO ES UNA COPIA VERDADERA DE LOS ARCHIVOS DE ESTA OFICINA DE UN DOCUMENTO ARCHIVADO EL 13 DE JUNIO DE 2005.

Por autoridad del
Subsecretario de Comercio para la Propiedad Intelectual
y Director de la Oficina de Marcas y Patente de Estados Unidos

(firma)
N. WILLIAMS
Funcionario que Certifica

Hay un sello que dice:

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Oficina de Marcas y Patentes
Expediente de abogado No. PR2027

Comisionado Asistente para patentes: Por favor archive los documentos originales anexos o copias de los mismos

1. Nombre de la(s) parte(s) cedente(s):

Paul G. Brunetta

¡Se anexa(n) nombre(s) adicional(es) de parte(s) cedente(s)? _ Si X No

2. Nombre y dirección de la(s) parte(s) receptora(s)

Nombre: GENENTECH, INC.

Dirección interna:

Dirección: 1 DNA Way

Ciudad: South San Francisco Estado: California

ZIP: 94080-4990

¿Se anexan Nombre(s) y dirección(es) adicional(es)? _ Si X No

3. Naturaleza del traspaso:

X Cesión Fusión

Acuerdo de Seguridad

Cambio de Nombre

Otro:

Fecha de Ejecución: Febrero 2, 2005

4. Numero(s) de solicitud o número(s) de patente:

Si este documento se presenta junto con una nueva solicitud, la fecha de ejecución de la solicitud es:

A. Solicitud de patente No(s).

60/616,104

B. Patente No(s).

¿Se anexa números adicionales? __ Si X No

5. Nombre y dirección de la parte a quien se le debe enviar la correspondencia:

Janet Hasak
GENENTECH, INC.
1DNA Way
South San Francisco, CA 94080

6. Numero total de solicitudes y patentes involucradas: 1

7. Tarifa total (37 C.F.R 3.41): $40.00

__ Adjunta
X Autorizado para cargarla a cuenta de depósito

8. Número de cuenta de Depósito:
07-0630

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9. Declaración y firma.
hasta donde se y creo, la información anterior es verdadera y correcta y cualquier copia anexa es una copia verdadera del documento original.

Janet Hasak	(Firma)	Junio 13, 2005
Nombre de la persona que firma Registro No. 28,616	Firma	Fecha

Número total de páginas que comprenden portada, anexos y documento: 5

PATENTE

700151775 **ROLLO: 015662 CUADRO: 0714**

CESIÓN

CONSIDERANDO QUE, Paul G. Brunetta, un ciudadano de los E.U.A., residente en 1257 Hampshire Street, San Francisco, California 94110, (en adelante referidos como "CEDENTE"), han inventado una invención nueva y útil

MÉTODO PARA TRATAR LA VASCULITIS

para la cual se presentó la solicitud provisional con Serie No. 60/616,104 (Expediente No. PR2177) por ellos el 5 de Octubre, 2004; y

CONSIDERANDO QUE, GENENTECH, INC., una corporación organizada y existente bajo y por virtud de las leyes del Estado de Delaware, que tiene oficinas en 1 DNA Way, South San Francisco, California 94080-4990, está deseosa de adquirir un interés en y para dicha invención, y en y para las patentes que se obtendrán de la misma;

AHORA, POR LO TANTO, téngase por sabido por todo aquel que le concierna:

Que por una consideración buena y valiosa el recibo de la cual se reconoce por la presente, dicho CEDENTE ha y por la presente vende, cede, transfiere y traspasa a dicha GENENTECH, INC. sus sucesores y cesionarios, el derecho, título e interés completo y exclusivo incluyendo todos los derechos bajo la Convención de Paris para la Protección de la Propiedad Industrial, en y para dicha invención, y en y para cualquiera y todas las patentes que se concedan y emitan para la misma o cualquier continuación, división, renovación, o sustitución de la misma, y en cuanto a patentes cualquier reemisión o reexaminación de las mismas, no solo para, por y en los Estados Unidos de América, sus territorios y posesiones, sin para, por y en todos los otros países; y se ha y por la presente se autoriza y solicita que las agencias gubernamentales respectivas emitan dichas patentes a GENENTECH, INC. de acuerdo con esta cesión.

Dicho CEDENTE garantiza y acuerda cooperar con GENENTECH, INC., para posibilitar a dicha GENETECH, INC., a disfrutar hasta su máxima extensión el derecho, título e interés aquí cedido en Estados Unidos y los países extranjeros. Tal cooperación por dichos CEDENTE incluye la pronta producción de hechos y documentos pertinentes, dando testimonio, ejecutando peticiones, juramentos, especificaciones, declaraciones u otros documentos, y otra ayuda todas hasta el punto considerado necesario o deseable por dichas GENETECH, INC. (a) para perfeccionar el derecho, título e interés aquí cedido; (b) para procesar cualquiera de dichas solicitudes; (c) para presentar y procesar solicitudes de reemisión de cualquiera de dichas patentes; (d) para procesos de interferencia u otros procesos de prioridad que involucran dicha invención; y (e) para procedimientos legales que involucran dicha invención y cualquier solicitud de la misma y cualquier patente concedida sobre la misma, incluyendo sin limitación procedimientos de oposición, procedimientos de cancelación, disputas de prioridad, procesos de uso público, acciones de violación y acciones de la corte; con la condición que los gastos incurridos por dicho CEDENTE al proporcionar dicha cooperación deban ser pagados por GENETECH, INC.

Los términos y garantías de esta cesión deben actuar en beneficio de dicha GENETECH, INC. sus sucesores, cesionarios y otros representantes legales, y deberá ser obligante sobre dichos CEDENTE, sus respectivos herederos, representantes legales y cesionarios.

Dicho CEDENTE por la presente garantiza y manifiesta que no ha entrado y no entrará en ninguna cesión, contrato o entendimiento en conflicto con la presente.

EN TESTIMONIO DE LO CUAL suscribimos como sigue:

South San Francisco
2/2/05
Fecha

(firma)
Paul G. Brunetta

PATENTE
ROLLO: 015662 CUADRO: 0715