

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Attorney Docket No: A10421
Walter BLÄTTLER Confirmation No.: 4598
Appl. No.: 11/949,351 Group Art Unit: 1643
Filed: December 3, 2007 Examiner: Natarajan, Meera
For: huMab4D5-8 ANTI-ErbB2
ANTIBODY-MAYTANSINOID CONJUGATES

DECLARATION UNDER 37 C.F.R. § 1.132

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Walter A. Blättler and Ravi V. J. Chari, the undersigned, hereby declare and state:

That we are the joint inventors of the subject matter claimed in the above-identified application, which includes an immunoconjugate comprising the anti-ErbB2 antibody, huMab4D5-8, conjugated to a maytansinoid, e.g., DM1, wherein the antibody is conjugated to 3 to 5 maytansinoid molecules per antibody molecule, and wherein the antibody and maytansinoid are chemically linked by a disulfide or thioether group, and wherein the antibody and maytansinoid are conjugated by a chemical linker, e.g., N-succinimidyl-3-(2-pyridyldithio)propionate, N-succinimidyl-4-(2-pyridylthio)pentanoate or succinimidyl-4-(N-maleimidomethyl)cyclohexane-1-carboxylate, and a composition comprising the immunoconjugate and a pharmaceutically acceptable carrier;


That this subject matter is not claimed in the U.S. Patents and Publications listed in the attached chart (Appendix A), and that to the extent that this subject matter is

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disclosed in the U.S. Patents and Publications listed in the attached chart (Appendix A),
the subject matter was derived from us.

We declare further that all statements made herein of our own knowledge are true
and that all statements made on information and belief are believed to be true; and further
that these statements were made with the knowledge that willful false statements and the
like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title
18 of the United States Code, and that such willful false statements may jeopardize the
validity of the application or any patent issuing thereon.

Date: Sept. 9, 2012


Walter A. Blättler

Date: Sept 11, 2012


Ravi V. J. Chari

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APPENDIX A

U.S. Patent/Publication	Inventors
U.S. Patent No. 7122636	HSEI et al.
U.S. Patent No. 7214776	HSEI et al.
U.S. Patent No. 7507405	HSEI et al.
U.S. Patent No. 7842789	HSEI et al.
U.S. Patent No. 8147830	HSEI et al.
U.S. Patent No. 6914130	GAO et al.
U.S. Patent No. 6824780	DEVAUX et al.
U.S. Patent No. 7435416	DEVAUX et al.
U.S. Patent No. 7820161	CURD et al.
U.S. Patent No. 7288249	CARTER et al.
U.S. Patent No. 5648237	CARTER
U.S. Patent No. 6627196	BAUGHMAN et al.
U.S. Patent No. 7041292 ¹	SLIWKOWSKI
U.S. Patent Publication No. 20030060612	GODDARD et al.
U.S. Patent Publication No. 20040126807	GODDARD et al.
U.S. Patent Publication No. 20120201818	CURD et al.
U.S. Patent Publication No. 20110008337	CURD et al.
U.S. Patent Publication No. 20110008336	CURD et al.
U.S. Patent Publication No. 20110008338	CURD et al.
U.S. Patent Publication No. 20110008250	CURD et al.
U.S. Patent Publication No. 20070104719	CARTER et al.
U.S. Patent Publication No. 20020004587	MILLER et al.
U.S. Patent Publication No. 20060025576	MILLER et al.
U.S. Patent Publication No. 20080299120	MILLER et al.
U.S. Patent Publication No. 20110110852	MILLER et al.
U.S. Patent Publication No. 20100003252	GRILLO-LOPEZ et al.
U.S. Patent Publication No. 20030086924 ²	SLIWKOWSKI
U.S. Patent Publication No. 20040013667 ²	KELSEY et al.
U.S. Patent Publication No. 20060216285 ²	ADAMS et al.
U.S. Patent Publication No. 20070184055 ²	SLIWKOWSKI
U.S. Patent Publication No. 20070269429 ²	KELSEY et al.
U.S. Patent Publication No. 20110129464 ²	ADAMS et al.
U.S. Patent Publication No. 20060083739 ¹	SLIWKOWSKI
U.S. Patent Publication No. 20090087432 ¹	SLIKOWSKI
U.S. Patent Publication No. 20030170235 ¹	COHEN
U.S. Patent Publication No. 20080050373 ¹	COHEN

¹ Cited in Information Disclosure Statement filed July 16, 2012² Cited in Information Disclosure Statement filed January 5, 2012