(12) PATENT ABRIDGMENT (11) Document No. AU-B-22042/88 (19) AUSTRALIAN PATENT OFFICE (10) Acceptance No. 626798

(54) Title PRESERVATIVE SYSTEM FOR OPHTHALMIC FORMULATIONS

International Patent Classification(s) (51)⁴ A61K 031/40 A61K 031/13

A61K 031/13 A61K 031/19

A61K 031/195

A61K 031/405

(51)⁵ A61K 047/10

A61K 047/18

(21) Application No.: 22042/88

(22) Application Date: 09.09.88

(30) Priority Data

(31) Number 096173

(32) Date 11.09.87

(33) Country

US UNITED STATES OF AMERICA

(43) Publication Date: 16.03.89

(44) Publication Date of Accepted Application: 13.08.92

(71) Applicant(s) SYNTEX (U.S.A.) INC.

(72) Inventor(s)

CHERNG-CHYI ROGER FU; DEBORAH M. LIDGATE

(74) Attorney or Agent WATERMARK PATENT & TRADEMARK ATTORNEYS , Locked Bag 5, HAWTHORN VIC 3122

(57) Claim

l. An ophthalmic NSAID formulation comprising: a NSAID in an effective amount for ophthalmic treatment, a quaternary ammonium preservative, a stabilizing amount of a nonionic ethoxylated octylphenol surfactant, and an aqueous vehicle.

22. An antimicrobially effective ophthalmologically acceptable preservative system for ophthalmologically acceptable, carboxyl group containing drugs, said preservative system comprising a quaternary ammonium preservative and a stabilizing amount of a nonionic ethoxylated octylphenol surfactant.



COMMONWEALTH OF AUSTRALIA

PATENTS ACT 1952-69

COMPLETE SPECIFICATION

(ORIGINAL)

626798

Class

Int. Class

Application Number: Lodged:

Complete Specification Lodged:

Accepted:

Published:

•Priority:

Related Art:

• • Name of Applicant :

SYNTEX (U.S.A.) INC.

••••

Address of Applicant :

3401 Hillview Avenue, Palo Alto, California 94304, United

States of America

Actual Inventor:

CHERNG-CHYI ROGER FU and DEBORAH M. LIDGATE

...

Address for Service:

EDWD. WATERS & SONS,

59 QUEEN STREET, MELBOURNE, AUSTRALIA, 3000.

Complete Specification for the invention entitled:

PRESERVATIVE SYSTEM FOR OPHTHALMIC FORMULATIONS

The following statement is a full description of this invention, including the best method of performing it known to z

DOCKET A L A R M 10

15

20

25

30

35

PRESERVATIVE SYSTEM FOR OPHTHALMIC FORMULATIONS

BACKGROUND OF THE INVENTION

The present invention relates to improved ophthalmic formulations, particularly to ophthalmic formulations for anti-inflammatory drugs, and specifically to an improved preservative system for ophthalmic formulations of carboxyl ("-COOH") group-containing drugs, especially non-steroidal anti-inflammatory drugs ("NSAIDs").

The invention also relates to methods of using these formulations for treating diseases that are either caused by, associated with or accompanied by inflammatory processes, including, among others, glaucoma, cystoid macular edema, uveitis, diabetic retinopathy, and conjunctivitis, or any trauma caused by eye surgery or eye injury.

The topical use of NSAIDs, particularly pyrrolo pyrroles, in the treatment of ophthalmic diseases was first taught in U.S. Patent No. 4,454,151, where NSAID compounds (such as those described in U.S. Patents 4,089,969; 4,232,038; 4,087,539 and 4,097,579) were exemplified in formulation with NaH_2PO_4 $^{\circ}H_2O$, Na_2HPO_4 $^{\circ}H_2O$, NaCl, benzalkonium chloride ("BAC") and sterilized water. While the formulations described

8408Y 26280-FF

in the '151 patent were efficacious, an insoluble complex was found to form between the NSAID and the BAC. The formulations became cloudy or turbid and did not, therefore, have the stability desired for shelf life in commercial applications. A reasonable minimum shelf life (that is, the time during which a solution remains clear and retains its pharmaceutical activity) is at least about one year, representing sufficient time to package, ship, and store a formulation without having to replace expired stock too frequently. The solutions of the present invention have shown a shelf life of at least one year. Thus, the present invention entails an improvement over the formulations described in the '151 patent.

In general, an ophthalmic formulation contains an active compound and various ophthalmologically acceptable excipients, in the form of a solution, an ointment, a suspension, etc. An excipient is ophthalmologically acceptable if it is non-irritating to the eye and if its active ingredient penetrates the blood-aqueous barrier and/or diffuses through the various ocular substructures to the site where it is pharmacologically active. The excipients can include a tonicifier, a preservative, a surfactant, a buffering system, a chelating agent, a viscosity agent as well as other stabilizing agents.

25 Ophthalmic formulations must be sterile, and if intended for multiple dosing regimens, must be preserved with an effective anti-microbial agent.

Organo-mercurials (e.g., thimerosal, phenylmercuric acetate and phenylmercuric nitrate) have been used extensively as the preservative in ophthalmic solutions. These compounds, however, pose difficulties due to potential mercury toxicity as well as poor chemical stability. Benzalkonium chloride, a quaternary ammonium compound, has been widely used in ophthalmic solutions, and is considered to be the preservative of choice.

8408Y 26280-FF



However, BAC has typically been considered to be incompatible with anionic drugs (e.g., salicylates or nitrates, etc.), forming insoluble complexes which cause the solution to become cloudy or turbid. Such a complex between the anionic drug and benzalkonium chloride can cause a decrease in the pharmaceutical activity of the anionic drug.

Many NSAIDs (such as ketorolac, indomethacin, flurbiprofen and diclofenac) are being developed for ocular use because of their activity as anti-inflammatory agents including their ability to prevent cystoid macular edema.

In the past, as in the case with other ophthalmic drugs that contain a -COOH group, antiinflammatory 15 solutions of NSAIDs for occular use have proven to be incompatible with quaternary ammonium compounds such as BAC. This incompatibility is due to the fact that the -COOH group can form a complex with the quaternary ammonium compounds, rendering the preservative less 20 available to serve its function, and reducing the activity of the active ingredient. Indomethacin ophthalmic formulations have been prepared, however, these are suspensions, not solutions. Ocufen Ophthalmic solution, an NSAID (flurbiprofen) approved by the FDA for 25 ophthalmic use, incorporates thimerosal (with EDTA) as its preservative system. In U.S. patent 4,454,151 there is a disclosure of an ophthalmic formulation using ketorolac, benzalkonium chloride (as the preservative) and polysorbate 80, however the solution became cloudy or 30 turbid after a short period of time.

It has remained desired to provide a stable, clear, antimicrobially effective ophthalmic formulation with a prolonged shelf life for -COOH group containing ophthalmic drugs, especially NSAIDs, using BAC as the preservative.

8408Y

26280-FF



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

