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Rader

(54) METHODS FOR TREATING DISORDERS OR DISEASES ASSOCIATED WITH HYPERLIPIDEMIA AND HYPERCHOLESTEROLEMIA WHILE **MINIMIZING SIDE EFFECTS**

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- Field of Classification Search (58)USPC 514/321, 325, 252.03, 255.03, 263.22, 514/824, 210.02 See application file for complete search history.

(56)**References** Cited

U.S. PATENT DOCUMENTS

3,983,140 A	9/1976	Endo et al.
4,231,938 A	11/1980	Monaghan et al.
4.346.227 A	8/1982	Terahara et al.
4,448,784 A	5/1984	Glamkowski et al.
4,450,171 A	5/1984	Hoffman et al.
4,499,289 A	2/1985	Baran et al.
4,613,610 A	9/1986	Wareing
4,647,576 A	3/1987	Hoefle et al.
4.686.237 A	8/1987	Anderson
4.716.175 A	12/1987	Hoefle et al.
4.871.721 A	10/1989	Biller
4,924,024 A	5/1990	Biller
5.015.644 A	5/1991	Roth et al.
5.026.554 A	6/1991	Bartizal et al.
5,117,080 A	5/1992	Lee et al.
5,510,379 A	4/1996	Lee et al.
5,595,872 A	1/1997	Wetterau, II et al.
5,684,014 A	11/1997	Muller et al.
5,712,279 A	1/1998	Biller et al.
5,712,396 A	1/1998	Magnin et al.
5,739,135 A	4/1998	Biller et al.
	- /	

US 8,618,135 B2 (10) **Patent No.:**

*Dec. 31, 2013 (45) **Date of Patent:**

5,786,361 A	7/1998	Muller et al.
5,789,197 A	8/1998	Wetterau, II et al.
5,811,429 A	9/1998	Connell et al.
5,827,875 A	10/1998	Dickson, Jr. et al.
5,883,109 A	3/1999	Gregg et al.
5,885,983 A	3/1999	Biller et al.
5,952,498 A	9/1999	Lenfers et al.
5,990,110 A	11/1999	Firestone
6,034,115 A	3/2000	Connell et al.
6,057,339 A	5/2000	Gregg
6,066,650 A	5/2000	Biller et al.
6,066,653 A	5/2000	Gregg et al.
6,114,341 A	9/2000	Muller et al.
6,121,283 A	9/2000	Chang et al.
6,140,343 A	10/2000	DeNinno et al.
6,194,454 B1	2/2001	Dow
6,245,775 B1	6/2001	Muller et al.
6,265,431 B1	7/2001	Muller et al.
6,297,233 B1	10/2001	Stein et al.
6,344,450 B1	2/2002	Bisacchi et al.
6,479,503 B2	11/2002	Muller et al.
6,492,365 B1	12/2002	Wetterau, II et al.
	(0	. 1

(Continued)

FOREIGN PATENT DOCUMENTS

AU	727895	7/1998
CA	2091102	9/1993

(Continued)

OTHER PUBLICATIONS

Visioli, "Microsomal Triglyceride Transfer Protein Inhibitors," Current Opinion in Cardiovascular, Pulmonary & Renal Investigational Drugs (2000), vol. 2, No. 3, pp. 292-293.

Teramoto et al. "Evaluating Utility[benefit] of Gradual Niceritrol (Perycit®) Titration to Hypercholesterolemia," in the Japan Atherosclerosis Society Journal: Atherosclerosis (1991), vol. 19, No. 2-3, pp. 199-208.

Fukushima et al. "Phase II Clinical Trial: Administration of Novel Antiepileptic Agent, Zonisamide (ZNA), to Epileptic Children," in Japanese Journal of Pediatrics (1987), vol. 40, No. 12, pp. 3389-3397

Williams et al. "Novel Microsomal Triglyceride Transfer Protein Inhibitors," in Expert Opinion on Therapeutic Patents (2003), vol. 13, No. 4, pp. 479-488.

(Continued)

Primary Examiner — Kevin E Weddington (74) Attorney, Agent, or Firm - Goodwin Procter LLP

(57)ABSTRACT

The present invention provides methods and compositions for treating hyperlipidemia and/or hypercholesterolemia comprising administering to the subject an effective amount of an MTP inhibitor to inhibit hyperlipidemia and/or hypercholesterolemia in said subject, wherein said administration comprises an escalating series of doses of the MTP inhibitor. In some embodiments the method comprises administering at least three step-wise, increasing dosages of the MTP inhibitor to the subject. In some embodiments, the method further comprises the administration of one or more other lipid modifying compounds.

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514/321

(56) **References Cited**

U.S. PATENT DOCUMENTS

	0.5.	IAIDNI	DOCUMENTS
6,498,156	B2	12/2002	Glombik et al.
6,582,698	BI	6/2003	Dedrick et al.
6,620,821	B2	9/2003	Robl
6,627,636	B2	9/2003	Robl
6,720,351	B2	4/2004	Bertinato et al.
6,774,236	B1	8/2004	Lenfers et al.
6,812,345	B2	11/2004	Robl et al.
6,846,836	B2	1/2005	Hamann et al.
6,858,622	B2	2/2005	Muller et al.
6,875,782	B2 B2	4/2005 4/2005	Cheng et al. Glombik et al.
6,884,812 6,916,809	Б2 В2	7/2005	Chen et al.
6,916,813	B2 B2	7/2005	Atwal et al.
6,949,572	B2	9/2005	Bertinato et al.
6,979,692	B2	12/2005	Bertinato et al.
7,053,080	B2	5/2006	Davis et al.
7,056,906	B2	6/2006	Strony
7,358,254	B2	4/2008	Robl et al.
7,394,501	B2	7/2008	Iwata et al.
7,645,732	B2	1/2010	Ye et al.
7,932,268	B2 *	4/2011	Rader
2002/0035064	Al	3/2002	Robl et al.
2002/0045271 2003/0069221	A1 A1	4/2002 4/2003	Hussain et al. Kosoglou et al.
2003/0109221	Al	6/2003	Ogletree
2003/0153541	Al	8/2003	Dudley et al.
2003/0162788	Al	8/2003	Thomas et al.
2003/0187053	Al	10/2003	Bertinato et al.
2004/0014748	A1	1/2004	Grutzmann et al.
2004/0058908	A1	3/2004	Keller et al.
2005/0075367	A1	4/2005	Hagiwara et al.
2005/0090426	Al	4/2005	Blumberg
2005/0101561	Al	5/2005	Tunac
2006/0069161	Al	3/2006	Lee et al.
2006/0135460 2006/0153913	Al Al	6/2006 7/2006	Widder et al. Yamane et al.
2006/0155915	Al	7/2006	Fong et al.
2006/0166999	Al	7/2006	Grutzmann et al.
2006/0205726	A1	9/2006	Hagiwara et al.
2006/0211020	Al	9/2006	Farrer et al.
2006/0211762	A1	9/2006	Rongen et al.
2006/0252733	A1	11/2006	Jansen
2006/0270655	Al	11/2006	Swick et al.
2007/0027093	Al	2/2007	Ogawa et al.
2007/0032404 2007/0088089	Al Al	2/2007 4/2007	Sweet Wisler
2007/0093468	Al	4/2007	Wisler
2007/0093527	Al	4/2007	Wisler
2007/0098778	Al	5/2007	Borsadia
2007/0099884	A1	5/2007	Erondu et al.
2008/0016127	A1	1/2008	Field
2008/0033019	A1	2/2008	Stamler
2008/0051427	A1	2/2008	Schuckler
2008/0103122	A1	5/2008	Veltri
2008/0161279	A1	7/2008	Wisler
2008/0175864	A1	7/2008	Ye et al.
2008/0241869	A1	10/2008	Davis
2008/0248070	A1	10/2008	Tunac
2008/0253985	A1	10/2008	Wisler
2008/0255084	Al	10/2008	Webb
2008/0280992	A 1	11/2008	Kunz et al.
	Al	2/2000	Dania
2009/0042835	Al	2/2009	Davis
2009/0042835 2009/0042941	A1 A1	2/2009	Rader
2009/0042835 2009/0042941 2009/0054393	A1 A1 A1	2/2009 2/2009	Rader Wisler
2009/0042835 2009/0042941	A1 A1	2/2009	Rader

FOREIGN PATENT DOCUMENTS

CA	2291471	6/2000
CA	2325201	5/2001
DE	19951022	4/2001

Μ

R

DOC

Δ

EP	0325130	7/1989
EP	0705831	4/1996
EP	0779276	6/1997
EP	0779279	6/1997
EP	0799828	10/1997
EP	0802198	10/1997
EP	1099442	5/2001
EP	1181954	2/2002
FR	2596393	10/1987
GB	2205837	12/1988
JP	2002/220345	9/1990
JP	2002/220343	11/2003
• •		
WO	WO-86/03488	6/1986
WO	WO-86/07054	12/1986
WO	WO-96/26205	8/1996
WO	WO-96/26948 A1	9/1996
WO	WO-96/40640	12/1996
WO	WO-97/41111	11/1997
WO	WO-98/03069	1/1998
WO	WO-98/03174	1/1998
WO	WO-98/23593	6/1998
wo	WO-98/27979	7/1998
wo	WO-98/31225	7/1998
wo	WO-98/31366	7/1998
WO	WO-98/31367	7/1998
WO	WO-98/50028	11/1998
WO	WO-00/38725	7/2000
WO	WO-01/08679	2/2001
WO	WO-2004/028544	4/2004
WO	WO-2004/110368	12/2004
WO	WO-2004/110375	12/2004
WO	WO-2005/000217	1/2005
WO	WO-2005/033100 A1	4/2005
WO	WO-2005/051382	6/2005
wo	WO-2005/072740	8/2005
wo	WO-2005/085466	9/2005
wo	WO-2005/085400	9/2003
WO		
	WO-2005/087324	9/2005
WO	WO-2005/094864	10/2005
WO	WO-2005/097131	10/2005
WO	WO-2006/046623	5/2006
WO	WO-2006/062748	6/2006
WO	WO-2006/063128	6/2006
WO	WO-2006/108666	10/2006
WO	WO-2006/111238	10/2006
WO	WO-2007/047724	4/2007
WÕ	WO-2007/047880	4/2007
WO	WO-2007/047880 A2	4/2007
wo	WO-2008/012056	1/2008
wo	WO-2008/012030 WO-2008/021353	2/2008
WO	WO-2008/030382	3/2008
WO	WO-2008/072061	6/2008
WO	WO-2008/075949	6/2008
WO	WO-2008/079398 A1	7/2008
WO	WO-2008/090198	7/2008
WO	WO-2008/115574	9/2008

OTHER PUBLICATIONS

Atzel, A., et al., "Mechanism of Microsomal Triglyceride Transfer Protein Catalyzed Lipid Transport", Biochemistry (1993), 32, 10444-10450.

Bakillah A. et al., "Decreased secretion of ApoB follows inhibition of ApoB-MTP binding by a novel antagonist", Biochemistry (Mosc), (2000) 39(16):4892-4899.

Barclay, "Hyperlipidemia", NMT Briefs, 2003.

Bayes, M., et al., "Gateways to Clinical Trials", Methods and Findings in Experimental and Clinical Pharmacology, 24(1):2002, 37-55. Bays et al., "Pharmacotherapy for Dyslipidaemia—Current Therapies and Future Agents", Expert Opin Phamacother, Nov. 2003;4(11):1901-38.

Biller et al., "Isoprenoid (phosphinylmethyl)phosphonates as inhibitors of squalene synthetase", J. Med. Chem., 31 (10):1988, 1869-71. Bruckert, "New Lipid-Modifying Therapies", Expert Opin. Investig. Drugs, (2003)12(3):325-35.

(56) **References Cited**

OTHER PUBLICATIONS

Catapano, Ezetimibe: a selective inhibitor of cholesterol absorption, European Heart Journal Supplements 2001 (3, Supplemental E):E6-E10).

Chang et al., "Microsomal Triglyceride Transfer Protein (MTP) Inhibitors: Discovery of Clinically Active Inhibitors Using High-Throughput Screening and Parallel Synthesis Paradigms", Current Opinion in Drug Discovery & Development, (2002) 5(4):562-70.

Corey and Volante, J. Am. Chem. Soc., (1976) 98:1291-93.

de Montellano et al., "Inhibition of Squalene Synthetase by Farnesyl Pyrophosphate Analogues", J. Med. Chem., (1977) 20:243-49. Earl et al., "Ezetimibe", Nature Reviews, 2003, 2:97-98.

Evans M. et al, "Medical Lipid-Regulating Therapy: Current Evidence, Ongoing Trials and Future Developments", Drugs: 2004; 64 (11): pp. 1181-1196.

Expert Panel on Detection, Evaluation, and Treatment of High Blood Cholesterol in Adults. National Cholesterol Education Program: Adult Treatment Panel III Report. Publication No. 01-3095, I-1-IX-11. 2001. Bethesda, MD. National Heart, Lung, and Blood Institute. Farrell., "Drugs and Steatohepatitis", Semin Liver Dis, (2002) 22(2):185-194.

Gagne, et al. "Efficacy and safety of ezetimibe coadministered with atorvastatin or simvastatin in patients with homozygous familial hypercholesterolemia", Circulation, (2002) 105 (21):2469-75.

International Search Report for Application No. PCT/US05/07435 dated Jul. 14, 2005 (7 pages).

International Search Report for Application No. PCT/US06/040637 dated Jun. 12, 2007 (8 pages).

International Search Report for Application No. PCT/US06/040639 dated Jun. 12, 2007 (9 pages).

International Search Report for Application No. PCT/US06/040640 dated May 23, 2007 (9 pages).

International Search Report for Application No. PCT/US06/040953 dated Mar. 3, 2007 (8 pages).

Jamil et al., "An inhibitor of the microsomal triglyceride transfer protein inhibits apoB secretion from HepG2 cells", Proc Natl Acad Sci U S A, (1996) 93(21):11991-11995.

Kastelein J., "What Future for Combination Therapies", Int J. Clin Pract. Suppl. Mar. 2003; (134): pp. 45-50.

Kirkpatrick et al, "Market Indicators", Nature, 2003, 2:98

Knopp RH, Drug treatment of lipid disorders. New England J. Med. 1999; 341(7): 498-511; electronic pp. 1-25.

Liao et al., "Blocking Microsomal Triglyceride Transfer Protein Interferes with apoB Secretion Without Causing Retention or Stress in the ER", Journal of Lipid Research, (2003) 44(5):978.

McClard et al., J.A.C.S., (1987) 109:5544.

Ritter et al., "Heterocyclic Ring Scaffolds as Small-Molecule Cholesterol Absorption Inhibitors", Org. Biomol. Chem., 2005, 3:3514-3523.

Robl et al, "A Novel Series of Highly Potent Benzimidazole-Based Microsomal Triglyceride Transfer Protein Inhibitors", Journal of Medicinal Chemistry, 2001, 44(6):851-856.

Shiomi et al, "MTP Inhibitor Decreases Plasma Cholesterol Levels in LDL Receptor-Deficient WHHL Rabbits by Lowering the VLDL Secretion", Euro. Journal of Pharma. 2001, 431:127-131.

Sorbera, L.A., et al., "Hypolipidemic Treatment of Atherosclerosis MTP Inhibitor ApoB Secretion Inhibitor", Drugs of the Future, (2000) 25(11):1138-1144.

Subhop et al., "Cholesterol absorption inhibitors for the treatment of hypercholesterolaemia", Drugs, 2002, 62(16):2333-2347.

Thomas et al., "Alleviation of MTP Inhibitor-Induced Hepatic Steatosis in Hyperlipidemic fa/fa Rats by Fenofibrate", Dept. of Metabolic Diseases and Dept. of Chemical Research, Boehringer Ingelheim Pharma GmbH & Co. KG, (2005).

Wetterau et al., "An MTP inhibitor that normalizes atherogenic lipoprotein levels in WHHL rabbits", Science, (1998) 282(5389):751-754.

Wetterau et al., "Microsomal triglyceride transfer protein", Biochim Bioshira Acta (1007) 1245(2):126-150 Wierzbicki A.S., "New Lipid-Lowering Agents", Expert Opinion on Emerging Drugs, Ashley Publications, GB, 8 (2):2003, 365-376.

Aggarwal, et al; BMC Cardiovasc. Disord. 27;5(1):30 (2005).

Chandler, et al., J. Lipid. Res. 44(10):1887-901 (2003).

Cuchel et al., "Inhibition of Microsomal Triglyceride Transfer Protein in Familial Hypercholesterolemia," N Engl J Med., (2007); 356:148-156.

Funatsu et al. "Atorvastatin Increases Hepatic Fatty Acid Beta-Oxidation in Sucrose-Fed Rats: Comparison with an MTP Inhibitor." Eur. J. Pharm. 2002 455:161-167.

Li, et al., "Discovery of Potent and Orally Active MTP Inhibitors as Potential Anti-Obesity Agents," Bioorganic & Medicinal Chemistry Letters, Oxford, GB, vol. 16, No. 11, Jun. 1, 2006, pp. 3039-3042.

Looije, Norbert A., et al., "Disodium Ascorbyl Phytostanyl Phosphates (FM-VP4) Reduces Plasma Cholesterol Concentration, Body Weight and Abdominal Fat Gain Within a Dietary-Induced Obese Mouse Model," Journal of Pharmacy & Pharmaceutical Sciences: A Publication of the Canadian Society for Pharmaceutical Sciences, vol. 8, No. 3, 2005, pp. 400-408.

Samaha, et al., "Inhibition of Microsomal Triglyceride Transfer Protein Alone or With Ezetimibe in Patients With Moderate Hypercholesterolemia," Nature Clinical Practice, (2008), pp. 1-9.

Aguilar-Salinas et al. (2000) "Efficacy and Safety of Atorvastatin in Hyperlipidemic, Type 2 Diabetic Patients. A 34-Week, Multicenter, Open-Label Study," *Atherosclerosis*, 152:489-496.

Capuzzi et al. (2000) "Niacin Dosing: Relationship to Benefits and Adverse Effects," *Current Atherosclerosis Reports*, 2:64-71.

Orgogozo et al. (2002) "Efficacy and Safety of Memantine in Patients with Mild to Moderate Vascular Dementia: A Randomized, Placebo-Controlled Trial (MMM 300)," *Stroke*, 33:1834-839.

Parsons et al. (1999) "Memantine is a Clinically Well Tolerated N-Methyl-DAspartate (NMDA) Receptor Antagonist-A Review of Preclinical Data," *Neuropharmacology*, 38:735-767.

Hussain, M.M., et al., "Multiple Functions of Microsomal Triglyceride Transfer Protein," Nutrition & Metabolism, 2012, 9:14, pp. 1-16.

http://en.wikipedia.org/wiki/, Microsomal Triglyceride Transer Protein (Updated Mar. 17, 2013.).

van Dam, M.J., et al., "Efficacy and Safety of Implitapide (Bay 13 9952), A Microsomal Triglyceride Transfer Protein Inhibitor, in Patients with Primary Hypercholesterolemia," Chapter 2, Dissertation, (2001).

Excerpt from Clinical Trials.gov, "Implitapide in Patients with Hypertriglyceridemia (HTG) on Maximal, Concurrent Triglyceride-Lowering Therapy," received Mar. 23, 2004.

Excerpt from ClinicalTrial.gov, "Implitapide in Patients with Homozygous Familial Hypercholesterolemia (HoFH) on Maximal Concurrent Lipid-Lowering Therapy," received Mar. 17, 2004.

News Release: PPD presenting business; Jan. 15, 2004.

Inventor Presentation, Feb., 2004, available electronically Apr. 15, 2004.

Title: Pink Sheet, Feb. 16, 2004.

Gruetsmann, et al., "Implitapide (BAY 13/9952) Inhibits Secretion of apoB Associated Lipoproteins by Inhibition of the Microsomal Triglyceride Transfer Protein (MTP)", Eur Heart J. 2000, 21 (Suppl), Abst 3271.

Bischoff, et al., "BAY 13/9952 (Implitapide): Pharmacodynamic Effects of a New Microsomal Triglyceride Transfer Protein (MTP) Inhibitor on Plasma Lipids and Adipose Tissue in Animals," Eur Heart J 2000, 21 (Suppl), Abst P3501.

Zaiss, et al., "BAY 13/9952 (implitapide), An Inhibitor of the Microsomal Triglyceride Transfer Protein (MTP), Inhibits Atherosclerosis and Prolongs Lifetime in Apo-E Knockout Mice," Eur Heart J. 2000, 21 (Suppl), Abst 194.

Notice of Opposition to European Patent, Aug. 21, 2013.

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METHODS FOR TREATING DISORDERS OR DISEASES ASSOCIATED WITH HYPERLIPIDEMIA AND HYPERCHOLESTEROLEMIA WHILE MINIMIZING SIDE EFFECTS

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Ser. No. 10/591, 10 923, which is a national phase application under 35 U.S.C. §371 of PCT/US05/007435 filed Mar. 7, 2005 which in turn claims priority benefit of U.S. Ser. No. 60/550,915, filed Mar. 5, 2004, all of which are hereby incorporated by reference in their entireties.

FIELD OF THE INVENTION

The present invention generally relates to therapy for hypercholesterolemia and hyperlipidemia.

BACKGROUND OF THE INVENTION

Hypercholesterolemia is a well-known risk factor for ASCVD, the major cause of mortality in the Western world. 25 Numerous epidemiological studies have clearly demonstrated that pharmacological lowering of total cholesterol (TC) and Low-density Lipoprotein (LDL) Cholesterol (LDL-C) is associated with a significant reduction in clinical cardiovascular events. Hypercholesterolemia is often caused by 30 a polygenic disorder in the majority of cases and modifications in lifestyle and conventional drug treatment are usually successful in reducing cholesterol levels. However, in few cases, as in familial hypercholesterolemia (FH), the cause is a monogenic defect and the available treatment in homozygous 35 patients can be much more challenging and far from optimal because LDL-C levels remain extremely elevated despite aggressive use of combination therapy. Therefore, for this group of high-risk patients, effective medical therapy is urgently needed. 40

Triglycerides are common types of fats (lipids) that are essential for good health when present in normal amounts. They account for about 95 percent of the body's fatty tissue. Abnormally high triglyceride levels may be an indication of such conditions as cirrhosis of the liver, underactive thyroid 45 (hypothyroidism), poorly controlled diabetes, or pancreatitis (inflammation of the pancreas). Researchers have identified triglycerides as an independent risk factor for heart disease.

Higher-than-normal triglyceride levels are often associated with known risk factors for heart disease, such as low 50 levels of HDL ("good") cholesterol, high levels of LDL ("bad") cholesterol and obesity. Triglycerides may also contribute to thickening of artery walls-a physical change believed to be a predictor of atherosclerosis.

Therefore, high triglyceride levels are at least a warning 55 sign that a patient's heart health may be at risk. In response, physicians may be more likely to stress the importance of losing weight, getting enough exercise, quitting smoking, controlling diabetes and other strategies that patients can use to protect their own cardiovascular health.

A large number of genetic and acquired diseases can result in hyperlipidemia. They can be classified into primary and secondary hyperlipidemic states. The most common causes of the secondary hyperlipidemias are diabetes mellitus, alcohol abuse, drugs, hypothyroidism, chronic renal failure, 65 Fibrates are mainly used to lower high triglyceride levels. is and hestimic Duin

lesterolemia, familial combined hyperlipidemia, familial hypercholesterolemia, remnant hyperlipidemia, chylomicronemia syndrome and familial hypertriglyceridemia.

A number of treatments are currently available for lowering serum cholesterol and triglycerides. However, each has its own drawbacks and limitations in terms of efficacy, sideeffects and qualifying patient population.

Bile-acid-binding resins are a class of drugs that interrupt the recycling of bile acids from the intestine to the liver; e.g., cholestyramine (Questran Light®, Bristol-Myers Squibb), and colestipol hydrochloride (Colestid®, The Upjohn Company). When taken orally, these positively-charged resins bind to the negatively charged bile acids in the intestine. Because the resins cannot be absorbed from the intestine, they 15 are excreted carrying the bile acids with them. The use of such resins, however, at best only lowers serum cholesterol levels by about 20%, and is associated with gastrointestinal sideeffects, including constipation and certain vitamin deficiencies. Moreover, since the resins bind other drugs, other oral 20 medications must be taken at least one hour before or four to six hours subsequent to ingestion of the resin; thus, complicating heart patient's drug regimens.

The statins are cholesterol-lowering agents that block cholesterol synthesis by inhibiting HMGCoA reductase-the key enzyme involved in the cholesterol biosynthetic pathway. The statins, e.g., lovastatin (Mevacor®, Merck & Co., Inc.), simvastatin (Zocor®, Merck & Co., Inc.), atorvastatin (Lipitor®, Pfizer), rosuva (Crestor®, Astra Zeneca) and pravastatin (Pravachol®, Bristol-Myers Squibb Co.), and combinations thereof are sometimes used in combination with bileacid-binding resins. Statins significantly reduce serum cholesterol and LDL-serum levels, and slow progression of coronary atherosclerosis. However, serum HDL cholesterol levels are only moderately increased. The mechanism of the LDL lowering effect may involve both reduction of VLDL concentration and induction of cellular expression of LDLreceptor, leading to reduced production and/or increased catabolism of LDLs. Side effects, including liver and kidney dysfunction are associated with the use of these drugs (Physicians Desk Reference, Medical Economics Co., Inc., Montvale, N.J., 2004; hereinafter "PDR"). The FDA has approved atorvastatin to treat rare but urgent cases of familial hypercholesterolemia.

Ezetimibe is a cholesterol absorption inhibitor which reduces the amount of cholesterol absorbed by the body. Ezetimibe is used to reduce the amount of total cholesterol, LDL cholesterol (by about 18%), and apolipoprotein B. Ezetimibe is often used with a low cholesterol diet and, in some cases, other cholesterol lowering medications.

Niacin, or nicotinic acid, is a water soluble vitamin B-complex used as a dietary supplement and antihyperlipidemic agent. Niacin diminishes production of VLDL and is effective at lowering LDL. In some cases, it is used in combination with bile-acid binding resins. NIASPAN® has been approved to prevent recurrent heart attacks in patients with high cholesterol. Niacin can increase HDL when used at adequate doses, however, its usefulness is limited by serious side effects when used at such high doses.

Fibric acid derivatives ("fibrates") are a class of lipidlowering drugs used to treat various forms of hyperlipidemia (i.e., elevated serum triglycerides) which may also be associated with hypercholesterolemia. Fibrates appear to reduce the VLDL fraction and modestly increase HDL. However, the effects of these drugs on serum cholesterol is variable. Although Church trunically do not

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els, they are sometimes used in combination with statins or other medications to lower very high cholesterol levels. For example, fibrates are also sometimes added to statins to raise HDL cholesterol levels. In the United States, fibrates have been approved for use as antilipidemic drugs, but have not 5 received approval as hypercholesterolemia agents. For example, clofibrate (Atromid-S®, Wyeth-Ayerst Laboratories) is an antilipidemic agent which acts to lower serum triglycerides by reducing the VLDL fraction. Although serum cholesterol may be reduced in certain patient subpopulations, 10 the biochemical response to the drug is variable, and is not always possible to predict which patients will obtain favorable results. Atromid-S® has not been shown to be effective for prevention of coronary heart disease. The chemically and pharmacologically related drug, gemfibrozil (Lopid®, Parke-15 Davis) is a lipid regulating agent which moderately decreases serum triglycerides and VLDL cholesterol, and moderately increases HDL cholesterol-the HDL2 and HDL3 subfractions as well as both ApoA-I and A-II (i.e., the AI/AII-HDL fraction). However, the lipid response is heterogeneous, espe-20 cially among different patient populations. Moreover, while prevention of coronary heart disease was observed in male patients between 40-55 without history or symptoms of existing coronary heart disease, it is not clear to what extent these findings can be extrapolated to other patient populations (e.g., 25 women, older and younger males). Indeed, no efficacy was observed in patients with established coronary heart disease. Fenofibrate (Tricor, Secalip) is also used to reduce levels of cholesterol and triglycerides. Serious side-effects have been associated with the use of several fibrates including toxicity 30 such as malignancy, (especially gastrointestinal cancer), gallbladder disease and an increased incidence in non-coronary mortality. Fibrates are often not indicated for the treatment of patients with high LDL or low HDL as their only lipid abnormality (Physician's Desk Reference, 2004, Medical Econom- 35 ics Co., Inc. Montvale, N.J.).

Oral estrogen replacement therapy may be considered for moderate hypercholesterolemia in post-menopausal women. However, increases in HDL may be accompanied with an increase in triglycerides. Estrogen treatment is, of course, 40 limited to a specific patient population (postmenopausal women) and is associated with serious side effects including induction of malignant neoplasms, gall bladder disease, thromboembolic disease, hepatic adenoma, elevated blood pressure, glucose intolerance, and hypercalcemia.

Homozygous familial hypercholesterolemia (hoFH) is a serious life-threatening genetic disease caused by homozygosity or compound heterozygosity for mutations in the low density lipoprotein (LDL) receptor. Total plasma cholesterol levels are generally over 500 mg/dl and markedly premature 50 atherosclerotic vascular disease is the major consequence. Untreated, most patients develop atherosclerosis before age 20 and generally do not survive past age 30. The primary goal of therapy consists of controlling the hypercholesterolemia to delay the development of atherosclerotic cardiovascular dis- 55 ease (ASCVD). However, patients diagnosed with hoFH are largely unresponsive to conventional drug therapy and have limited treatment options. A mean LDL-C reduction of only about 5.5% has been recently reported in patients with genotype-confirmed hoFH treated with the maximal dose of 60 statins (atorvastatin or simvastatin 80 mg/day). The addition of ezetimibe 10 mg/day to this regimen resulted in a total reduction of LDL-C levels of 27%, which is still far from optimal. Several non-pharmacological options have also been tested. Surgical interventions, such as portacaval shunt and 65 described above. For example, a large number of patients may is have regulard entrin nerticitand transient TDT_C

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strated to substantially reduce LDL-C levels in hoFH patients, but obvious disadvantages and risks are associated with this approach. Although hoFH could be an excellent model for gene therapy, this modality of treatment is not foreseeable in the near future due to the limitations on the availability of safe vectors that provide long-term expression of LDL receptor gene. Thus, the current standard of care in hoFH is LDL apheresis, a physical method of filtering the plasma of LDL-C which as monotherapy can transiently reduce LDL-C by about 50%. Apheresis uses affinity columns to selectively remove apoB-containing lipoproteins. However, because of rapid re-accumulation of LDL-C in plasma, apheresis has to be repeated frequently (every 1-2 weeks) and requires 2 separate sites for IV access. Although anecdotally this procedure may delay the onset of atheroselerosis, it is laborious, expensive, and not readily available. Furthermore, although it is a procedure that is generally well tolerated, the fact that it needs frequent repetition and IV access can be challenging for many of these young patients. Therefore, there is a tremendous unmet medical need for new medical therapies for hoFH.

Patients with heterozygous FH can usually be successfully treated with combination drug therapy to lower the LDL-C to acceptable levels. In contrast, hoFH is unresponsive to conventional drug therapy and thus there are limited treatment options. Specifically, treatment with statins, which reduce LDL-C by inhibiting cholesterol synthesis and upregulating the hepatic LDL receptor, have negligible effect in patients whose LDL receptors are non-existent or defective.

In July 2004, the NCEP published a paper entitled "Implications of Recent Clinical Trials for the National Cholesterol Education Program Adult Treatment Panel III Guidelines", updating certain elements of the "Adult Treatment Panel III (ATP III)" cholesterol guidelines released in 2001. For highrisk patients, individuals who have coronary heart disease (CHD) or disease of the blood vessels to the brain or extremities, or diabetes, or multiple (2 or more) risk factors that give them a greater than 20 percent chance of having a heart attack within 10 years, the ATP III update recommends that the overall goal for high-risk patients is still an LDL less than 100 mg/dL with a therapeutic option to set the goal at an LDL less than 70 mg/dL for very high-risk patients, those who have had a recent heart attack, or those who have cardiovascular disease combined with either diabetes, or severe or poorly controlled risk factors (such as continued smoking), or metabolic syndrome (a cluster of risk factors associated with obesity that includes high triglycerides and low HDL cholesterol). The ATP III update also recommends consideration of drug treatment in addition to lifestyle therapy for LDL levels 100 mg/dL or higher in high-risk patients, and characterizes drug treatment as optional for LDL less than 100 mg/dL. For moderately high-risk patients, individuals who have multiple (2 or more) CHD risk factors together with a 10-20 percent risk for a heart attack within 10 years, the ATP III update recommends the overall goal for moderately high-risk patients to be an LDL less than 130 mg/dL. There is a therapeutic option to set the treatment goal at an LDL less than 100 mg/dL, and to use drug treatment if LDL is 100-129 mg/dL. For high-risk and moderately high-risk patients, the ATP III update advises that the intensity of LDL-lowering drug treatment in high-risk and moderately high-risk patients be sufficient to achieve at least a 30 percent reduction in LDL levels.

Patients suffering from severe hypercholesterolemia may also be unable to reach the new goals for LDL and HDL ha unable to attain I DI lovals loss than 70 wais

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