

PATENT COOPERATION TREATY

PCT

NOTIFICATION RELATING TO PRIORITY CLAIM

(PCT Rules 26bis.1 and 26bis.2 and Administrative Instructions, Sections 402 and 409)

From the INTERNATIONAL BUREAU

To:

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Date of mailing (day/month/year) 15 June 2001 (15.06.01)	
Applicant's or agent's file reference 9596-330WO	IMPORTANT NOTIFICATION
International application No. PCT/US01/01537	International filing date (day/month/year) 12 January 2001 (12.01.01)
Applicant THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA et al	

The applicant is hereby **notified** of the following in respect of the priority claim(s) made in the international application.

1. **Correction of priority claim.** In accordance with the applicant's notice received on: **08 March 2001 (08.03.01)**, the following priority claim has been corrected to read as follows:

US 14 January 2000 (14.01.00) 60/176,086

 - even though the indication of the number of the earlier application is missing.
 - even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:

2. **Addition of priority claim.** In accordance with the applicant's notice received on: , the following priority claim has been added:
 - even though the indication of the number of the earlier application is missing.
 - even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:

3. As a **result of the correction and/or addition** of (a) priority claim(s) under items 1 and/or 2, the (earliest) priority date is:

4. **Priority claim considered not to have been made.**
 - The applicant failed to respond to the Invitation under Rule 26bis.2(a) (Form PCT/IB/316) within the prescribed time limit.
 - The applicant's notice was received after the expiration of the prescribed time limit under Rule 26bis.1(a).
 - The applicant's notice failed to correct the priority claim so as to comply with the requirements of Rule 4.10.

The applicant may, before the technical preparations for international publication have been completed and subject to the payment of a fee, request the International Bureau to publish, together with the international application, information concerning the priority claim. See Rule 26bis.2(c) and the PCT Applicant's Guide, Volume I, Annex B2(IB).

5. In case where **multiple priorities** have been claimed, the above item(s) relate to the following priority claim(s):

6. A copy of this notification has been sent to the receiving Office and
 - to the International Searching Authority (where the international search report has not yet been issued).
 - the designated Offices (which have already been notified of the receipt of the record copy).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Sylvaine DESCLOUX
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

Form PCT/IB/318 (July 1998)

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Application No. 01 903 095.6 - 2107	Ref. EP25136-19/kj	Date 17.10.2006
Applicant THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Herrera, Suzanne
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)

Registered Letter
EPO Form 2001 07.02CSX



The examination is being carried out on the **following application documents**:

Description, Pages

1-32 as published

Claims, Numbers

1-29 received on 14.08.2002 with letter of 14.08.2002

Drawings, Sheets

1/8-8/8 as published

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

- D1: WO 94/09010 A (SANDOZ-ERFINDUNGEN VERWALTUNGSGESELLSCHAFT M.B.H; SANDOZ-PATENT-GMBH;) 28 April 1994 (1994-04-28)
- D2: BOEHLER T ET AL: "THE IN VIVO EFFECT OF RAPAMYCIN DERIVATIVE SDZ RAD ON LYMPHOCYTE PROLIFERATION" TRANSPLANTATION PROCEEDINGS, ORLANDO, FL, US, vol. 30, no. 5, 1998, pages 2195-2197, XP001065480 ISSN: 0041-1345
- D3: SCHULER W ET AL: "SDZ RAD, A NEW RAPAMYCIN DERIVATIVE" TRANSPLANTATION, WILLIAMS AND WILKINS, BALTIMORE, MD, US, vol. 64, no. 1, 15 July 1997 (1997-07-15), pages 36-42, XP002048032 ISSN: 0041-1337
- D4: SEDRANI R ET AL: "CHEMICAL MODIFICATION OF RAPAMYCIN: THE DISCOVERY OF SDZ RAD" TRANSPLANTATION PROCEEDINGS,



ORLANDO, FL, US, vol. 30, no. 5, August 1998 (1998-08), pages 2192-2194,
XP000925138 ISSN: 0041-1345

D5: US-A-5 525 610

2. An International Preliminary Report on Patentability / International Preliminary Examination Report has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.
3. In addition to the objection raised in the IPER, documents D1 to D3 cited above discloses the activity of SDZ RAD on lymphocyte proliferation. Consequently also these documents are destroying the novelty and inventive step of the claimed subject-matter (cf. parts indicated in the search report). It is also pointed out that only SDZ RAD has been tested in the application.

27. Feb. 2007

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DATUM / DATE

EP25136HV163

February 26, 2007

European Patent Application No. 01 903 095.6-2112
Applicant: The Trustees of the University of Pennsylvania

In response to the Official Communication, dated October 17, 2006

Herewith new claims 1-26 are submitted. It is requested to continue examination on the basis of these new claims.

1. Claim amendment and support

New claims 1 to 26 are supported by previous claims 1-29 and the specification as follows (page and line numbering refer to the specification of WO01/51049):

NEW CLAIM	SUPPORTED BY
1	previous claim 1, * see below
2	previous claim 2, specification page 6, line 28 to page 7, line 30
3	previous claim 4

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