

US009034376B2

## (12) United States Patent

Wright et al.

(10) Patent No.: US 9,034,376 B2 (45) Date of Patent: \*May 19, 2015

## (54) PHARMACEUTICAL FORMULATION CONTAINING GELLING AGENT

(71) Applicants: Purdue Pharma L.P., Stamford, CT

(US); The P.F. Laboratories, Inc.,

Totowa, NJ (US); Purdue

Pharmaceuticals L.P., Wilson, NC (US)

(72) Inventors: Curtis Wright, Rockport, MA (US);

Benjamin Oshlack, Boca Raton, FL (US); Christopher Breder, Bethesda,

MD (US)

(73) Assignees: Purdue Pharma L.P., Stamford, CT

(US); The P.F. Laboratories, Inc.,

Totowa, NJ (US); Purdue

Pharmaceuticals L.P., Wilson, NC (US)

(\*) Notice: Subject to any disclaimer, the term of this

patent is extended or adjusted under 35

U.S.C. 154(b) by 0 days.

This patent is subject to a terminal dis-

claimer.

(21) Appl. No.: 14/460,134

(22) Filed: Aug. 14, 2014

(65) Prior Publication Data

US 2014/0357657 A1 Dec. 4, 2014

#### Related U.S. Application Data

- (63) Continuation of application No. 14/255,502, filed on Apr. 17, 2014, now Pat. No. 8,871,265, which is a continuation of application No. 13/726,324, filed on Dec. 24, 2012, which is a continuation of application No. 13/349,449, filed on Jan. 12, 2012, now Pat. No. 8,337,888, which is a continuation of application No. 12/653,115, filed on Dec. 8, 2009, now abandoned, which is a continuation of application No. 10/214,412, filed on Aug. 6, 2002.
- (60) Provisional application No. 60/310,534, filed on Aug. 6, 2001.

(51)	Int. Cl.	
` ′	A61K 9/20	(2006.01)
	A61K 31/167	(2006.01)
	A61K 9/00	(2006.01)
	A61K 31/439	(2006.01)
	A61K 31/485	(2006.01)
	A61K 47/38	(2006.01)
	A61K 47/36	(2006.01)
	A61K 47/10	(2006.01)
	A61K 45/06	(2006.01)
	A61K 31/192	(2006.01)
	A61K 9/16	(2006.01)
	A61K 47/26	(2006.01)
(52)	U.S. Cl.	

(2013.01); A61K 47/38 (2013.01); A61K 47/36 (2013.01); A61K 47/10 (2013.01); A61K 45/06 (2013.01); A61K 31/192 (2013.01); A61K 9/1652 (2013.01); A61K 47/26 (2013.01)

(58) Field of Classification Search

None

See application file for complete search history.

#### (56) References Cited

#### U.S. PATENT DOCUMENTS

3,065,143	A	11/1962	Christenson et al.
3,133,132	A	5/1964	Loeb et al.
3,173,876	A	3/1965	Zobrist et al.
3,260,646	A	7/1966	Paulsen et al.
3,276,586	A	10/1966	Rosaen
3,541,005	A	11/1970	Strathmann et al.
3,541,006	A	11/1970	Bixler et al.
3,546,876	A	12/1970	Fokker et al.
3,845,770	A	11/1974	Theeuwes et al.
3,916,889	A	11/1975	Russell
3,965,256	A	6/1976	Leslie
3,980,766	A	9/1976	Shaw et al.
4,063,064	A	12/1977	Saunders et al.
4,070,494	A	1/1978	Hoffmeister et al.
4,088,864	A	5/1978	Theeuwes et al.
4,160,020	A	7/1979	Ayer et al.
4,175,119	A	11/1979	Porter
4,200,098	A	4/1980	Ayer et al.
		(Con	tinued)

#### FOREIGN PATENT DOCUMENTS

EP 0318262 A1 5/1989 EP 0661045 7/1995

(Continued)

#### OTHER PUBLICATIONS

Paragraph IV Patent Certification Notice for ANDA 202434 (2011). Paragraph IV Patent Certification Notice for ANDA 203235 (2011). Paragraph IV Patent Certification Notice for ANDA 202372 (2011). Paragraph IV Patent Certification Notice for ANDA 202483 (2011). Paragraph IV Patent Certification Notice for ANDA 202762 (2011). Paragraph IV Patent Certification Notice for ANDA 202762 (2011). Paragraph IV Patent Certification Notice for Amendment to ANDA 202762 (2011).

#### (Continued)

Primary Examiner — Robert A Wax
Assistant Examiner — Olga V Tcherkasskaya
(74) Attorney, Agent, or Firm — Lowenstein Sandler LLP

#### (57) ABSTRACT

Disclosed in certain embodiments is a controlled release oral dosage form comprising a therapeutically effective amount of a drug susceptible to abuse together with one or more pharmaceutically acceptable excipients; the dosage form further including a gelling agent in an effective amount to impart a viscosity unsuitable for administration selected from the group consisting of parenteral and nasal administration to a solubilized mixture formed when the dosage form is crushed and mixed with from about 0.5 to about 10 ml of an aqueous liquid; the dosage form providing a therapeutic effect for at least about 12 hours when orally administered to a human patient.

19 Claims, No Drawings



## US 9,034,376 B2 Page 2

(56)	References Cited	5,593,994			Batt et al.
		5,604,25			Lau et al.
U.S	S. PATENT DOCUMENTS	5,604,26 5,616,60			Guay et al. Khanna et al.
4 225 970 A	11/1000 Testic	5,639,47			Oshlack et al.
4,235,870 A 4,285,987 A	11/1980 Leslie 8/1981 Ayer et al.	5,639,78			Lau et al.
4,293,539 A	10/1981 Ludwig et al.	5,656,29			Oshlack et al.
4,366,310 A	12/1982 Leslie	5,667,80			Merrill et al.
4,385,057 A	5/1983 Bjork et al.	5,672,36 5,679,65			Sackler et al. Fukunaga et al.
4,389,393 A	6/1983 Schor et al.	5,681,58			Oshlack et al.
4,424,205 A 4,443,428 A	1/1984 LaHann et al. 4/1984 Oshlack et al.	5,695,78			Zhang et al.
4,457,933 A	7/1984 Gordon et al.	5,730,71			Beck et al 604/20
4,459,278 A	7/1984 Porter	5,741,52			Staniforth et al.
4,588,580 A	5/1986 Gale et al.	5,762,96 5,843,48			Byas-Smith Miller et al.
4,599,342 A 4,610,870 A	7/1986 LaHann 9/1986 Jain et al.	5,849,24			Miller et al.
4,612,008 A	9/1986 Wong et al.	5,866,16			Kuczynski et al.
4,666,705 A	5/1987 DeCrosta et al.	5,879,70			Heafield et al.
4,764,378 A	8/1988 Keith et al.	5,891,47			Miller et al.
4,765,989 A	8/1988 Wong et al.	5,891,91 5,914,13			Blum et al. Merrill et al.
4,769,372 A 4,785,000 A	9/1988 Kreek 11/1988 Kreek et al.	5,958,45			Oshlack et al.
4,806,341 A	2/1989 Chien et al.	5,958,45			Chasin et al.
4,812,446 A	3/1989 Brand	5,965,16			Oshlack et al.
4,834,984 A	5/1989 Goldie et al.	5,965,16			Miller et al.
4,844,909 A	7/1989 Goldie et al.	5,968,55 6,024,98			Oshlack et al. Oshlack et al.
4,861,598 A 4,957,681 A	8/1989 Oshlack 9/1990 Klimesch et al.	6,120,75			Unger
4,970,075 A	11/1990 Oshlack	6,124,28		9/2000	
4,990,341 A	2/1991 Goldie et al.	6,136,86			Nichols et al.
5,026,556 A	6/1991 Drust et al.	6,143,32			Sackler et al.
5,059,600 A	10/1991 Gawin et al.	6,153,62 6,162,46			Hamann Miller et al.
5,069,909 A	12/1991 Sharma et al. 5/1992 Bernardin	6,223,07			Beck et al 604/20
5,111,942 A 5,114,942 A	5/1992 Gawin et al.	6,228,86			Palermo et al.
5,130,311 A	7/1992 Guillaumet et al.	6,245,35			Edgren et al 424/473
5,149,538 A	9/1992 Granger et al.	6,277,39			Caruso
5,169,645 A	12/1992 Shukla et al.	6,294,19- 6,309,66			Horhota et al. Bastin et al.
5,202,128 A	4/1993 Morella et al.	6,352,72		3/2001	
5,215,758 A 5,225,199 A	6/1993 Krishnamurthy 7/1993 Hidaka et al.	6,375,95			Kaiko et al.
5,232,934 A	8/1993 Downs	6,403,05	6 B1* (		Unger 424/9.51
5,240,711 A	8/1993 Hille et al.	6,419,95		7/2002	
5,266,331 A	11/1993 Oshlack et al.	6,436,44			Sako et al. Hsia et al.
5,273,758 A	12/1993 Royce	6,440,46 6,488,96			McGinity
5,273,760 A 5,286,493 A	12/1993 Oshlack et al. 2/1994 Oshlack et al.	6,491,94			Faour et al.
5,290,816 A	3/1994 Blumberg	6,559,15	9 B2 :		Carroll et al.
5,321,012 A	6/1994 Mayer et al.	6,572,88			Oshlack et al.
5,324,351 A	6/1994 Oshlack et al.	6,593,36 6,627,63			Dewey et al. Palermo et al.
5,330,766 A	7/1994 Morella et al.	6,696,08			Oshlack et al.
5,356,467 A 5,368,852 A	10/1994 Oshlack et al. 11/1994 Umemoto et al.	6,733,78			Oshlack et al.
5,376,705 A	12/1994 Leys et al.	6,808,72			Unger 424/450
5,378,474 A	1/1995 Morella et al.	6,995,169			Chapleo et al.
5,403,868 A	4/1995 Reid et al.	7,141,25 7,144,58			Oshlack et al. Oshlack et al.
5,409,944 A 5,411,745 A	4/1995 Black et al. 5/1995 Oshlack et al.	7,144,38	3 B2	1/2007	
5,422,123 A	6/1995 Conte et al.	7,201,92			Kumar et al.
5,436,265 A	7/1995 Black et al.	7,332,18	2 B2 2		Sackler
5,472,712 A	12/1995 Oshlack et al.	7,727,55		5/2010	
5,472,943 A	12/1995 Crain et al.	7,776,31- 7,842,30			Bartholomaus Oshlack et al.
5,474,995 A	12/1995 Ducharme et al.	7,943,17			Oshlack et al.
5,478,577 A 5,500,227 A	12/1995 Sackler et al. 3/1996 Oshlack et al.	8,017,14			Sackler
5,502,058 A	3/1996 Mayer et al.	8,075,87	2 B2 12		Arkenau-Maric
5,505,959 A	4/1996 Tachon et al.	8,101,63			Kumar et al.
5,508,042 A	4/1996 Oshlack et al.	8,114,38			Bartholomaus
5,510,368 A	4/1996 Lau et al.	8,114,38 8,192,72			Arkenau Arkenau-Maric
5,514,680 A 5,521,213 A	5/1996 Weber et al. 5/1996 Prasit et al.	8,309,06 8,309,06			Bartholomaus et al.
5,536,752 A	7/1996 Plasit et al.	8,337,88			Wright et al.
5,549,912 A	8/1996 Oshlack et al.	8,389,00			Wright et al.
5,550,142 A	8/1996 Ducharme et al.	8,524,27	5 B2 9	9/2013	Oshlack et al.
5,552,422 A	9/1996 Gauthier et al.	8,529,94			Wright et al.
5,556,838 A	9/1996 Mayer et al.	8,609,68		2/2013	
5,580,578 A	12/1996 Oshlack et al.	8,652,49°			Sackler
5,593,695 A	1/1997 Merrill et al.	8,652,51	J <b>D</b> Z Z	212014	Sackler



(56)	Referer	ices Cited		WO	97/37689	10/1	997
• /				WO WO	97/48385 97/49384	12/1: 12/1:	997
U.	S. PALENT	DOCUMENTS		WO	99/32120		999
8,871,265 B		Wright et al.		WO	WO-99/32119		999
2003/0004177 A		Kao et al.		WO WO	00/33835 WO-01/58447		000 001
2003/0021841 A 2003/0026838 A		Matharu et al. Farrell		WO	02/087558	11/2	
2003/0035839 A		Hirsh et al.		WO	WO-02/094254		
2003/0054027 A		Unger	424/450	WO WO	WO-03/015531 03/024430		003 003
2003/0059471 A 2003/0064099 A		Compton et al. Oshlack et al.		wo	WO-03/026743		003
2003/0064122 A	1 4/2003	Goldberg et al.		WO	03/035029		003
2003/0068276 A	1 4/2003	Hughes et al. Sackler		WO WO	WO-03/092676 WO-2004/026256		003
2003/0068370 A 2003/0068371 A		Oshlack et al.		WO	WO-2004/026283	A1 4/2	004
2003/0068375 A	1 4/2003	Wright et al.		WO WO	WO-2004/037259		004
2003/0068392 A 2003/0082230 A		Sackler Baichwal et al.		WO	WO-2005/053587 2010078486		005 010
2003/0082230 A 2003/0124061 A		Roberts					
2003/0124185 A		Oshlack et al.		Do но оне		R PUBLICA	
2003/0125347 A 2003/0126428 A		Anderson et al. Liu et al.		_	•		e for ANDA 202455 (2011). e for ANDA 202352 (2011).
2003/0120428 A 2003/0170181 A		Midha		~	•		plications of Injecting Drug
2003/0232081 A		Doshi et al.					96, vol. 83, p. 1329-1334.
2004/0047907 A 2004/0126428 A		Oshlack et al. Hughes et al.					ssed Hydrophilic POLYOX-
2004/0131552 A	1 7/2004	Boehm				Pharmaceution	cal Sciences, vol. 84, No. 3,
2004/0151791 A		Mayo-Alvarez et al.			995, p. 303-306.  a=A="Poly(ethylene	e ovide) (PE	EO) and Different Molecular
2004/0224020 A 2004/0228802 A		Schoenhard Chang et al.		~		, ,	evices for Drug Release",
2004/0241234 A	1 12/2004	Vilkov		_	erials, vol. 14, No. 2		
2004/0253310 A 2004/0266807 A		Fischer et al. Oshlack et al.		_			is and Acute Renal Failure
2005/0020613 A		Boehm et al.			ng From Alcohol and	l Drug Abus	e", QJ Med, vol. 93, 2000, p.
2005/0031546 A		Bartholomaus et al.		29-33.	H at al "Death in	Amphatamir	ne Users: Causes and Rates",
2005/0063909 A 2005/0106249 A		Wright et al. Hwang et al.			ournal, vol. 112, Feb		
2005/0112067 A	1 5/2005	Kumar et al.			narmacopeia, p. 2206		
2005/0112201 A 2005/0118267 A		Baichwal et al. Baichwal et al.					w, In re: Oxycontin Antitrust
2005/0118207 A 2005/0158382 A		Cruz et al.			on, Case 1:04-md-01		vethylene) Homopolymers in
2005/0163717 A		Anderson et al.					Drug Dev. and Indus. Phar-
2005/0186139 A 2005/0214223 A		Bartholomaus Bartholomaeus et al.			21(12), 1411-28 (199		
2005/0236741 A	1 10/2005	Arkenau					e) (PEO) Constant Release icine: Biomedical and Phar-
2005/0276853 A 2006/0002860 A		Baichwal et al. Bartholomaus			ical Applications, Ch		
2006/0002800 A 2006/0018837 A		Preston et al.					)-Based Delivery Systems",
2006/0039864 A		Bartholomaus				Administrati	ion, ACS Symposium Series
2006/0165790 A 2006/0188447 A		Walden et al. Arkenau-Maric			hapter 9 (1994). E et al. "Properties o	of Sustained.	-Release Tablets Prepared by
2006/0193782 A	1 8/2006	Bartholomaus					evelopment and Technology,
2006/0251721 A		Cruz et al.			No. 2, p. 241-250 (19		
2007/0003616 A 2007/0003617 A		Arkenau-Maric Fischer et al.					iour of Hydrophilic Matrix ethylene Oxides (PEOs) for
2007/0110807 A		Vergnault et al.					ole Drug", Biomaterials, vol.
2007/0166234 A 2007/0264327 A		Kumar et al. Kumar et al.			113-1119 (2002).		
2008/0063725 A		Guimberteau et al.					e for ANDA 202455 (2013).
2008/0095843 A	1 4/2008	Nutalapati et al.					rch Report for International 3152 issued Sep. 19, 2012.
2008/0176955 A		Heck et al. Fischer et al.			* *		al Rejection dated Jan. 29,
2008/0254123 A 2008/0260815 A		Hayes et al.		2013.			
2009/0081290 A	1 3/2009	McKenna et al.		U.S. A <sub>J</sub> 2013.	ppl. No. 13/333,560-	—Amendme	ent/Response dated Apr. 29,
2009/0169587 A		Baichwal et al.			n & Order filed May	27, 2014, Ca	ase 1:04-md-01603-SHS, 24
2009/0215808 A 2010/0221293 A		Yum et al. Cruz et al.		pgs.	•		
2011/0262532 A 2012/0164220 A	1 10/2011	Oshlack et al. Huang					4 filed Apr. 22, 2014, 8 pgs. (o. 13/765,368 dated Mar. 12,
	EIGN PATE	NT DOCUMENTS		USPTO USPTO	) Non-Final Rejection		8/765,368 dated Jan. 6, 2014. Appl. No. 13/765,368 dated
	293195 A1 1/07950	3/2003 6/1991		Oct. 4, USPTO		U.S. Appl. N	To. 13/946,418 dated Apr. 10,
WO WO 9	310765 A1	* 6/1993		2014.	v		•
	5/20947 /020947 A1	8/1995 8/1995		USPTC 2013.	Response for U.S.	. Appl. No.	13/946,418 dated Dec. 12,
11 VY O-2003	02077/ AI	3/1773		2013.			



#### (56) References Cited

#### OTHER PUBLICATIONS

USPTO Non-Final Rejection for U.S. Appl. No. 13/946,418 dated Sep. 12, 2013.

USPTO Final Rejection for U.S. Appl. No. 13/890,874 dated Mar. 11, 2014

USPTO Response for U.S. Appl. No. 13/890,874 dated Feb. 28, 2014. USPTO Non-Final Rejection for U.S. Appl. No. 13/890,874 dated Dec. 18, 2013.

USPTO Response for U.S. Appl. No. 13/726,324 dated Jan. 15, 2014. USPTO Non-Final Rejection for U.S. Appl. No. 13/726,324 dated Jul. 15, 2013.

Complaint 1:13-cv-01272-SHS (Feb. 25, 2013).

Answer and Counterclaims 1:13-cv-01272-SHS (Mar. 8, 2013).

Answer to Counterclaims 1:13-cv-01272-SHS (Apr. 1, 2013).

Consent Judgement :13-cv-01272-SHS (May 1, 2013). Complaint 1:13-cv-03188-SHS (May 10, 2013).

Answer; Affirmative Defenses and Counterclaims 1:13-cv-03188-SHS (Jun. 7, 2013).

Complaint 1:13-cv-03374-SHS (May 17, 2013).

Answer and Counterclaims 1:13-cv-03374-SHS (Jun. 3, 2013).

Complaint 1:13-cv-03372-SHS (May 17, 2013).

Paragraph IV Patent Certification Notice for ANDA 202352 (2013). Paragraph IV Patent Certification Notice for ANDA 202372 (2013).

Paragraph IV Patent Certification Notice for ANDA 2023/2 (2013). Paragraph IV Patent Certification Notice for ANDA 202434 (2013).

Paragraph IV Patent Certification Notice for ANDA 202434 (2013).

Paragraph IV Patent Certification Notice for ANDA 203235 (2013). Ortho-McNeil-Janssen Pharmaceuticals, Inc. (2010). Prescribing Information for Concerta Extended-Release Tablets.

Bettini et al., "Translocation of drug particles in HPMC matrix gel layer: effect of drug solubility and influence on release rate," Journal of Controlled Release, vol. 70, No. 3, Feb. 2001, pp. 383-391.

Medical Economics Company, Inc., The 1997 Physician's Desk Reference ("PDR") entry for OXYCONTIN®, 51st edition, Nov. 1996, Montvale, NJ, pp. 2163-2164.

Sarkar, N., "Kinetics of thermal gelation of methylcellulose and hydroxypropylmethylcellulose in aqueous solutions," Carbohydrate Polymers, vol. 26, No. 3, Jan. 1995, pp. 195-203.

Sarkar, N., "Thermal Gelation Properties of Methyl and Hydroxypropyl Methylcellulose," Journal of Applied Polymer Science, vol. 24, No. 4, Aug. 1979, pp. 1073-1087.

Wilkins, Jeffrey, N., "Pharmacotherapy of Schizophrenia Patients with Comorbid Substance Abuse", Schizophrenia Bulletin, vol. 23, No. 2, 1997, http://schizophreniabulletin.oxfordjournals.org, pp. 215,228

Yang, et al., "Characterization of Compressibility and Compactibility of Poly(ethylene oxide) Polymers for Modified Release Application by Compaction Simulator", Journal of Pharmaceutical Sciences, vol. 85, No. 10, Oct. 1996, pp. 1085-1090.

Complaint for Case 1:13-cv-04606, Jul. 2, 2013, pp. 11.

Paragraph IV Patent Certification Notice for ANDA 203915, Jul. 26, 2013, pp. 63.

USPTO Non-Final Rejection for U.S. Appl. No. 14/243,580, dated Oct. 2, 2014.

USPTO Non-Final Rejection for U.S. Appl. No.  $14/460,170,\,\mathrm{dated}$  Oct. 2, 2014.

USPTO Non-Final Rejection for U.S. Appl. No. 14/470,631, dated Oct. 21, 2014.

USPTO Non-Final Rejection for U.S. Appl. No. 14/470,662, dated Nov. 4, 2014.

USPTO Non-Final Rejection for U.S. Appl. No. 14/484,077, dated Oct. 22, 2014.

Findings of Fact and Conclusions of Law, In re: Oxycontin Antitrust Litigation, Case 1:04-md-01603-SHS, Apr. 8, 2015, pp. 1-69.

\* cited by examiner



1

#### PHARMACEUTICAL FORMULATION CONTAINING GELLING AGENT

#### RELATED APPLICATIONS

This application is a continuation of U.S. patent application Ser. No. 14/255,502, filed Apr. 17, 2014, which is a continuation of U.S. patent application Ser. No. 13/726,324, filed Dec. 24, 2012, which is a continuation of U.S. patent application Ser. No. 13/349,449, filed Jan. 12, 2012, now 10 issued as U.S. Pat. No. 8,337,888, which is a continuation of U.S. patent application Ser. No. 12/653,115, filed Dec. 8, 2009, which is a continuation of U.S. patent application Ser. No. 10/214,412, filed Aug. 6, 2002, which claims the benefit of U.S. Provisional Application No. 60/310,534, filed Aug. 6, 2001. The contents of these applications are hereby incorporated by reference in their entirety.

#### BACKGROUND OF THE INVENTION

Opioid analgesics are sometimes the subject of abuse. Typically, a particular dose of an opioid analgesic is more potent when administered parenterally as compared to the same dose administered orally. Therefore, one popular mode of abuse of oral opioid formulations involves the extraction of 25 the opioid from the dosage form, and the subsequent injection of the opioid (using any "suitable" vehicle for injection) in order to achieve a "high." Also, some formulations can be tampered with in order to provide the opioid agonist contained therein better available for illicit use. For example, a 30 controlled release opioid agonist formulation can be crushed in order to provide the opioid contained therein available for immediate release upon oral or nasal administration. An opioid formulation can also be abusable by administration of more than the prescribed dose of the drug.

Opioid antagonists have been combined with certain opioid agonists in order to deter the parenteral abuse of opioid agonists. In the prior art, the combination of immediate release pentazocine and naloxone has been utilized in tablets available in the United States, commercially available as 40 Talwin®Nx from Sanofi-Winthrop. Talwin®Nx contains immediate release pentazocine hydrochloride equivalent to 50 mg base and naloxone hydrochloride equivalent to 0.5 mg base. A fixed combination therapy comprising tilidine (50 mg) and naloxone (4 mg) has been available in Germany for 45 the management of pain since 1978 (Valoron®N, Goedecke). A fixed combination of buprenorphine and naloxone was introduced in 1991 in New Zealand (Temgesic®Nx, Reckitt & Colman) for the treatment of pain.

Purdue Pharma EP currently markets sustained-release 50 oxycodone in dosage forms containing 10, 20, 40, and 80 mg oxycodone hydrochloride under the tradename OxyContin.

U.S. Pat. Nos. 5,266,331; 5,508,042; 5,549,912 and 5,656, 295 disclose sustained release oxycodone formulations.

U.S. Pat. Nos. 4,769,372 and 4,785,000 to Kreek describe 55 methods of treating patients suffering from chronic pain or chronic cough without provoking intestinal dysmotility by administering 1 to 2 dosage units comprising from about 1.5 to about 100 mg of opioid analgesic or antitussive and from about 1 to about 18 mg of an opioid antagonist having little to 60 no systemic antagonist activity when administered orally, from 1 to 5 times daily.

U.S. Pat. No. 6,228,863 to Palermo et al. describes compositions and methods of preventing abuse of opioid dosage forms

WO 99/32119 to Kaiko et al. describes compositions and methods of preventing abuse of opioid dosage forms.

2

U.S. Pat. No. 5,472,943 to Crain et al. describes methods of enhancing the analgesic potency of bimodally acting opioid agonists by administering the agonist with an opioid antagonist.

U.S. Pat. No. 3,980,766 to Shaw et al., is related to drugs which are suitable for therapy in the treatment of narcotic drug addiction by oral use, e.g., methadone, formulated to prevent injection abuse through concentration of the active component in aqueous solution by incorporating in a solid dosage or tablet form of such drug an ingestible solid having thickening properties which cause rapid increase in viscosity upon concentration of an aqueous solution thereof.

However, there still exists a need for a safe and effective treatment of pain with opioid analgesic dosage forms which are less subject to abuse than current therapies.

All documents cited herein, including the foregoing, are incorporated by reference in their entireties for all purposes.

## OBJECTS AND SUMMARY OF THE INVENTION

It is an object of certain embodiments of the invention to provide an oral dosage form of an opioid analgesic which is subject to less parenteral abuse than other dosage forms.

It is an object of certain embodiments of the invention to provide an oral dosage form of an opioid analgesic which is subject to less intranasal abuse than other dosage forms.

It is an object of certain embodiments of the invention to provide an oral dosage form of an opioid analgesic which is subject to less oral abuse than other dosage forms.

It is a further object of certain embodiments of the invention to provide an oral dosage form of an opioid analysesic which is subject to less diversion than other dosage forms.

It is a further object of certain embodiments of the inven-35 tion to provide a method of treating pain in human patients with an oral dosage form of an opioid analgesic while reducing the abuse potential of the dosage form.

It is a further object of certain embodiments of the invention to provide a method of manufacturing an oral dosage form of an opioid analgesic such that it has less abuse potential

These objects and others are achieved by the present invention, which is directed in part to an oral dosage form comprising an opioid analgesic; and at least one aversive agent for reducing the abuse of the opioid analgesic.

In certain embodiments of the present invention, the oral dosage forms of the present invention comprising an opioid analgesic; and an aversive agent or agents as a component(s) of the dosage form helps to prevent injection, inhalation, and/or oral abuse by decreasing the "attractiveness" of the dosage form to a potential abuser.

In certain embodiments of the present invention, the dosage form comprises an aversive agent such as a bittering agent to discourage an abuser from tampering with the dosage form and thereafter inhaling or swallowing the tampered dosage form. Preferably, the bittering agent is released when the dosage form is tampered with and provides an unpleasant taste to the abuser upon inhalation and/or swallowing of the tampered dosage form.

In certain embodiments of the present invention, the dosage form comprises an aversive agent such as an irritant to discourage an abuser from tampering with the dosage form and thereafter inhaling, injecting, or swallowing the tampered dosage form. Preferably, the irritant is released when the dosage form is tampered with and provides a burning or irritating effect to the abuser upon inhalation, injection, and/or swallowing of the tampered dosage form.



# 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.

