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(54) Title: TREATMENT OF HIV INFECTION BY T-CELL MODULATION

(57) Abstract: A method of treating HIV infection comprises administering to a patient a regimen that is able to shut down the immune system in a controlled manner by using T-cell depletion or T-cell modification such that T-cells no longer can be attacked by HIV cells. The T-cell depletor or T-cell modifiers are administered either alone or in combination with "conventional" anti-HIV drugs.



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TREATMENT OF HIV INFECTION BY T-CELL MODULATION

FIELD OF THE INVENTION

The present invention relates to the treatment of patients with HIV infection. The invention involves shutting down the body's immune system in a controlled way by killing T-cells or by modifying T-cells such that they are no longer recognized by HIV. In killing T-cells, the HIV virus is killed together with the infected T-cells and potentially surviving, circulating viruses are prevented from reproduction. "Conventional" anti-HIV therapy might be added to this regimen in order to eliminate remaining viruses.

BACKGROUND OF THE INVENTION

HIV, like other viruses, cannot reproduce without the aid of a living cell. Although HIV can infect a number of cells in the body, its main target is T-cells, or more specifically, CD4 helper cells. T-cells are an important part of the immune system because they help facilitate the body's response to many common but potentially fatal infections. Without enough T-cells, the body's immune system is unable to defend itself against many infections. HIV's life cycle directly causes a reduction in the number of T-cells in the body, eventually resulting in an increased risk of infections.

After HIV enters the body, it comes in contact with its preferred host cell - the T-cell. HIV will take over the host cell's cellular machinery to reproduce thousands of copies of itself. HIV has to complete many steps in order for this to happen. At each step of HIV's life cycle, it is theoretically possible to design a drug that will stop the virus. The individual steps of the virus's reproduction process are the basis for all currently available drugs that fight HIV infection. In addition, treatments try to reconstitute the body's immune system that is compromised and finally destroyed by HIV or improve it by co-administered drugs.

As is known (see, e.g., ACRIA Update 12(1), 2002/3), once HIV comes into contact with a T-cell, it must attach itself to the cell so that it can fuse with the cell and inject its genetic material into it. Attachment means specific binding between proteins on the surface of the virus and receptors on the surface of the T-cell. Normally, these receptors help the cell communicate with other cells. Two receptors in particular, CD4 and a beta-chemokine receptor (either CCR5 or

CXCR4), are used by HIV to latch onto the cell. On the surface of the viral envelope, two sets of proteins (antireceptors) called gp120 and gp41 attach to CD4 and CCR5/CXCR4.

Attachment or entry inhibitors are currently being studied in clinical trials. These drugs block the interaction between the cellular receptors and the antireceptor on the virus by binding to or altering the receptor sites. People who naturally lack these cellular receptors because of a genetic mutation, or those who have them blocked by natural chemokines (chemical messengers), may not get infected as readily with HIV or may progress more slowly to AIDS. Currently also vaccines are being examined that may help the body block these receptors.

After attachment is completed, viral penetration occurs. Penetration allows the nucleocapsid of the virus to be injected directly into the cell's cytoplasm. gp120 actually contains three glycosylated proteins (glycoproteins) and, once gp120 attaches itself to CD4, these three proteins spread apart. This allows the gp41 protein, which is normally hidden by the gp120 proteins, to become exposed and bind to the chemokine receptor. Once this has occurred, the viral envelope and the cell membrane are brought into direct contact and essentially fuse into each other.

Fusion inhibitors prevent the binding of gp41 and the chemokine receptor. T-20 (enfuvirtide, Fuzeon) binds to a portion of gp41, preventing it from binding to the chemokine receptor.

Once HIV has penetrated the cell membrane, it is ready to release its genetic information (RNA) into the cell. The viral RNA is contained in the nucleocapsid. The nucleocapsid needs to be partially dissolved so that the virus's RNA can be converted into DNA, a necessary step if HIV's genetic material is to be incorporated into the T-cell's genetic core.

HIV's RNA is converted to DNA by reverse transcription. HIV uses reverse transcriptase to accomplish this transcription. The single-stranded viral RNA is transcribed into a double strand of DNA, which contains the instructions HIV needs to take over a T-cell's genetic machinery in order to reproduce itself. Reverse transcriptase uses nucleotides from the cell cytoplasm to make this process possible.

Reverse transcriptase inhibitors block HIV's reverse transcriptase from using these nucleotides. Nucleoside and nucleotide analog reverse transcriptase inhibitors (NRTIs) - such as Zerit, Epivir,

and Viread - contain faulty imitations of the nucleotides found in a T-cell's cytoplasm. Instead of incorporating a nucleotide into the growing chain of DNA, the imitation building blocks in NRTIs are inserted, which prevents the double strand of DNA from becoming fully formed. Non-nucleoside reverse transcriptase inhibitors (NNRTIs) - such as Viramune and Sustiva - block reverse transcription by attaching to the enzyme in a way that prevents it from functioning.

If HIV succeeds in transforming its instructions from RNA to DNA, HIV must then insert its DNA (the pre-integration complex) into the cell's DNA. This process is called integration. In most human cells, DNA is stored in the cell nucleus. In order for integration to occur, the newly formed DNA must be transported across the nuclear membrane into the nucleus.

Although the exact mechanism that HIV uses to transport its genetic material into the cell nucleus is still unclear, viral protein R (VPR), which is carried by HIV, may facilitate the movement of the pre-integration complex to the nucleus. Once the viral RNA has successfully bridged the nuclear membrane and been escorted to the nucleus, HIV uses the enzyme *integrase* to insert its double-stranded DNA into the cell's existing DNA.

Drugs that inhibit the HIV pre-integration complex from traveling to the nucleus - integrase inhibitors - are currently in clinical trials.

After successful integration of the viral DNA, the host cell is now latently infected with HIV. This viral DNA is referred to as provirus. The HIV provirus now awaits activation. When the immune cell becomes activated, this latent provirus awakens and instructs the cellular machinery to produce the necessary components of HIV. From the viral DNA, two strands of RNA are constructed and transported out of the nucleus. One strand is translated into subunits of HIV such as protease, reverse transcriptase, integrase, and structural proteins. The other strand becomes the genetic material for the new viruses. Compounds that inhibit or alter viral RNA have been identified as potential antiviral agents.

Once the various viral subunits have been produced and processed, they must be separated for the final assembly into new virus. This separation, or cleavage, is accomplished by the viral *protease* enzyme.

Protease inhibitors - such as Kaletra, Crixivan, and Viracept - bind to the protease enzyme and prevent it from separating, or cleaving, the subunits.

If cleavage is successfully completed, the HIV subunits combine to make up the content of the new virions. In the next step of the viral life cycle, the structural subunits of HIV mesh with the cell's membrane and begin to deform a section of the membrane. This allows the nucleocapsid to take shape and viral RNA is wound tightly to fit inside the nucleocapsid. Zinc finger inhibitors, which interfere with the packaging of the viral RNA into the nucleocapsid are currently studied as anti-viral drugs.

~~The final step of the viral life cycle is budding. In this process, the genetic material enclosed in~~
the nucleocapsid merges with the deformed cell membrane to form the new viral envelope. With its genetic material tucked away in its nucleocapsid and a new outer coat made from the host cell's membrane, the newly formed HIV pinches off and enters into circulation, ready to start the whole process again.

During HIV's life cycle, the T-cell, i.e. the host cell for HIV reproduction, is altered and perhaps damaged, causing the death of the cell. It is not exactly known how the cell dies but a number of scenarios have been proposed. First, after the cell becomes infected with a virus, internal signals may tell it to commit suicide. Apoptosis or programmed cell death is a self-destruct program intended to kill the cell with the hopes of killing the virus as well. A second possible mechanism for the death of the cell is that, as thousands of HIV particles bud or escape from the cell, they severely damage the cell's membrane, resulting in the loss of the cell. Another possible cause for the cell's death is that other cells of the immune system, killer cells, recognize that the cell is infected and destroy it.

Whatever the mechanism of the cell's death, there is one less T-cell in the body, and with this happening on a monumental scale, T-cells begin to decline. Over time, there are not enough T-cells to defend the body. At this stage, a person has acquired immunodeficiency syndrome (AIDS), and becomes susceptible to infections that a healthy immune system could deal with. If this process of immune destruction is halted, a weakened immune system may be able to repair some of the damage over time.

As can be seen, the current approaches to treating HIV infection may be summarized as: "fight the virus and improve functioning of the immune system".

SUMMARY OF THE INVENTION

This invention involves a shift in paradigm by shutting down the immune system – for a certain period of time – in a controlled manner, before this is accomplished by HIV, by killing most or all T-cells or by modifying them such that they are no longer recognized by HIV, thereby saving the immune system from destruction. By doing so the virus cannot use the T-cells for reproduction and, additionally, the virus entrapped in infected T-cells will be killed together with ~~the T-cells. Still circulating viruses, not yet having achieved T-cell infection, will try to enter~~ remaining T-cells if any are left. They will be killed by a second or further courses of treatment. Additional "conventional" anti-HIV treatments, e.g., as described in the paragraphs above, will also contribute to the elimination of HIV and HIV-infected cells. The treatment will be continued until substantially all viruses have been killed. Thereafter, the immune system is allowed to recover.

An advantage of the proposed regimen is that the immune system is not damaged but only shut down. Whereas HIV shuts down the system by simultaneously modifying it such that surviving or newly formed T-cells are no longer "normally" functioning, the shutting down with T-cell depletors does not result in a damage of the system and newly formed T-cells – after discontinuation of treatment – are fully functional. However, it will take some time for the normal number of T-cells to reappear. This time depends on the specific drug used for T-cell depletion and on the additional use of immune stimulators such as G-CSF or GM-CSF. The re-establishment of a functioning immune system is not restricted to these two examples (G-CSF or GM-CSF). Any other measures known in the art may be used. During the time of treatment and during the time period of recovery of the immune system, the patients are carefully monitored and treated with anti-bacterial and antiviral drugs in order to prevent other than HIV infections. This prophylaxis is well known to those skilled in the art and constitutes daily life in the treatment of cancer or transplant patients with T-cell depletors (Semin Hematol. 2004 Jul; 41(3): 224-33, Leuk Lymphoma 2004 Apr; 45(4): 711-4).

This invention relates to a method of treating HIV infection comprising administering to a patient a drug that is able to kill T-cells or modify T-cells such that they are no longer recognized by HIV. The drug may be combined with "conventional" anti-HIV therapy used either as an additional single-drug treatment or given as a drug cocktail.

According to the invention, patients with HIV infection are treated with drugs that are able to kill T-cells or to modify the function of T-cells making them no longer recognizable to HIV. Drugs of this kind are for example monoclonal antibodies that bind to specific epitopes on T-cells and effectively kill these cells, such as the CD3 antigen. A drug binding to the T3 antigen is ~~muromonab-CD3 (Orthoclone OKT3)~~. Another potential epitope is the CD52 antigen, which is found on B-cells and T-cells. An example for an antibody binding to the CD52 epitope is alemtuzumab (Campath). However, the invention is not restricted to these types of compounds. Any epitope on T-cells implicated in any way in HIV T-cell attack and, e.g., to which an antibody can be directed, can be utilized, as can any drug that kills T-cells. Moreover, any other type of drug that is able to kill T-cells or prevent them from being recognized by HIV as functioning T-cells, i.e. any T-cell depletor or T-cell function modifier, irrespective of their individual mechanisms of action, may be used. Another example is anti-thymocyte globulin, ATG (Thymoglobulin). Thymoglobulin is anti-thymocyte rabbit immunoglobulin that induces immunosuppression as a result of T-cell depletion and immune modulation. Thymoglobulin is made up of a variety of antibodies that recognize key receptors on T-cells and leads to inactivation and killing of the T-cells. Regarding drugs which modify T-cells, all will be appropriate as long as the result is that the T-cells are no longer recognized by HIV and thus the latter does not invade them. One such exemplary modification is an antibody binding to receptors such as those described above or others, where the binding does not kill T-cells, but does disguise the T-cells so that HIV does not recognize them.

The purpose of intentionally killing T-cells is multifold. For example, any virus in such a T-cell will be killed together with the T-cell. Also, the virus needs T-cells for reproduction. If these are not available, the virus is not able to reproduce. Further, any T-cells or progenitor cells that have survived a reproduction cycle of the virus and subsequently have been damaged or modified by the virus will be killed as well. The objective of doing what looks like the same as the virus is doing, is to do it in a controlled manner and prior to any or serious damage to the system induced

by the virus. It is well known from other diseases such as chronic lymphocytic leukemia (CLL) or transplantation of solid organs that after controlled T-cell depletion, the system recovers to its full function. Moreover, it has been clearly established that the time period during which the body is depleted of T-cells can be handled without running an uncontrolled risk for infection. Concomitant antibacterial and antiviral treatment of patients on muromonab-CD3 or alemtuzumab therapy has been established and is well known to those skilled in the art. -See, e.g., Tex Heart Inst J. 1988; 15 (2): 102-106. Likewise any other expected side-effects of this type of therapy, such as the cytokine release syndrome, have been well described and can be handled appropriately.

~~T-cell depletion has been extensively demonstrated for drugs like alemtuzumab or~~

Thymoglobulin. A single dose of alemtuzumab (Campath) is able to kill all circulating T-cells. This is illustrated in Fig. 1 (Weinblatt et al. Arth & Rheum 38(11):1589-1594, 1995). As can be seen from Fig. 1, full recovery of T-cells takes 3 months or longer. If the treatment is repeated, T-cell count will remain at low levels or zero during a prolonged period of time. With each new dose of alemtuzumab, remaining T-cells will be killed together with any virus having infected the cells. A consecutive treatment course or a series of courses therefore will stepwise reduce the population of HIV cells and finally bringing them to zero. Alemtuzumab is dosed in CLL three times a week at 30 mg for a total of 4-12 consecutive weeks. The final dose of 30 mg is reached after stepwise increases from 3 mg via 10 mg to 30 mg in the first week. In HIV infection, smaller doses will be indicated since the tumor load in CLL takes up most of the drug during administration in the first part of the therapy. In multiple sclerosis (MS), where alemtuzumab is also studied, dosing is restricted to five daily doses of 10-30 mg for one week. In MS, the therapy might be repeated after a full year.

T-cell depletion after Thymoglobulin is illustrated in Fig. 2 (taken from the Thymoglobulin Prescribing Information). Thymoglobulin is infused in GVHD prevention intravenously over four to six hours. Typical doses are in the range of 1.5 – 3.75 mg/kg. Infusions continue daily for one to two weeks. The drug remains active, targeting immune cells for days to weeks after treatment. This schedule is routinely adaptable for use in HIV treatment.

As can be seen, the T-cell depletors and modifiers can be used according to the invention in amounts and in administration regimens routinely determinable and analogous to known uses of such agents for other purposes.

In order to further strengthen the action of killing HIV cells, other drugs either alone or as mixtures of several drugs addressing different mechanisms, which are able to either kill HIV or inhibit HIV reproduction might be added to the regimen with the T-cell depletor or modifier. Today, HIV therapy normally consists of drug cocktails containing different types of drugs that attack at different stages of HIV proliferation. This therapy might be combined with anti-T-cell therapy to improve the efficacy of T-cell depletion or modification alone.

The treatment described above, consisting of T-cell depletion or modification with or without additional "conventional" anti-HIV therapy is administered until all viruses are eliminated. Thereafter, the immune system is allowed to recover. Since the system had been shut down in a controlled manner, any T-cells that are newly formed will be fully functional. Recovery of the immune system might be supported by drugs known in the art for this purpose. Examples are G-CSF or GM-CSF. However, any other applicable drugs or measures might as well be utilized.

Without further elaboration, it is believed that one skilled in the art can, using the preceding description, utilize the present invention to its fullest extent. The preceding preferred specific embodiments are, therefore, to be construed as merely illustrative, and not limitative of the remainder of the disclosure in any way whatsoever.

The entire disclosure of the applications, patents and publications, cited herein are incorporated by reference herein.

EXAMPLES

Example 1

A Phase II study for the treatment of HIV patients using a combination of alemtuzumab and Reverset.

Study Design:

A total of 30 HIV-infected, treatment-naïve individuals with CD4+ cell counts > 50 cells/mm³ and plasma HIV-1 RNA levels > 5,000 copies/ml are enrolled in a 10-day study. Subjects are randomized to one of two treatment arms, Reverset –200 mg once-a-day for 10 days, or Reverset –200 mg once-a-day for 10 days plus alemtuzumab every second day. The first dose of alemtuzumab is 3 mg, the second dose 10 mg and the third dose is 30 mg. Any subsequent doses are 30 mg. Alemtuzumab is infused IV over a period of 2 hours. Alternatively, alemtuzumab may be injected subcutaneously.

Study medication is administered in a double-blind fashion. Plasma samples are taken for HIV-1 RNA predose, on days 1, 2, 4, 8, 10 of treatment, and on days 11, 14, 21, 28 and 38 in the follow-up phase. Plasma samples for virus genotyping are taken at baseline, at the end of treatment, and at the follow-up visits.

Example 2

A randomized, multicenter study compares the safety and efficacy of Lexiva plus ritonavir versus Kaletra (Lopinavir/ritonavir) over 48 weeks in ART (anti-retroviral therapy)-naïve HIV-1 infected subjects while utilizing the Abacavir/lamivudine (ABC/3TC) FDC (fixed-dose combination tablet) as a NRTI (nucleoside reverse transcriptase inhibitor) backbone with or without adding alemtuzumab. This study evaluates the safety and efficacy of marketed HIV drugs [PI (protease inhibitor) plus NRTIs] given to HIV-infected patients who have not received prior therapy. All subjects will be screened and monitored at 12 scheduled clinic visits over a 48-week period. Abnormal laboratory values or certain side effects may require additional clinic visits over the course of the study. Alemtuzumab is added as an additional arm to either the Lexiva plus ritonar arm to the Kaletra arm. A four-arm study is performed in which alemtuzumab is added to both the Lexiva plus ritonar arm and to the Kaletra arm. More details of original study (without the alemtuzumab arms) can be obtained from the NCI. The study no. is 100732, the NLM Identifier is NCT00085943 and the study is incorporated by reference herein. The dosing of alemtuzumab corresponds to the one described in Example 1.

Study Design:

Phase III, Treatment, Randomized, Open Label, Active Control, Parallel Assignment, Safety/Efficacy Study

Patient Population:

Ages eligible for study: 18 years and above

Genders eligible for study: Both

Inclusion criteria:

Persons with HIV-1 infections who have not started any antiretroviral medication regimen

HIV-1 RNA (viral load) >1,000 c/mL

Participants must be able to provide informed consent

Have not received more than 14 days of prior treatment with HIV drugs

Meet laboratory test criteria

Women must abstain from sexual intercourse or use acceptable contraception

Must be able to take study medications as directed and complete all study visits and evaluations during the 48-week study

Exclusion criteria:

Enrolled in other HIV treatment studies

Pregnant or breastfeeding

The preceding examples can be repeated with similar success by substituting the generically or specifically described reactants and/or operating conditions of this invention for those used in the preceding examples.

From the foregoing description, one skilled in the art can easily ascertain the essential characteristics of this invention and, without departing from the spirit and scope thereof, can make various changes and modifications of the invention to adapt it to various usages and conditions.

Claims

What is claimed is:

1. A method of treating HIV infection comprising administering to a patient a T-cell depletor that effectively kills essentially all the patient's T-cells or a T-cell modifier that prevents HIV from recognizing essentially all the T-cells.
2. The method of claim 1, comprising administering monoclonal antibody directed against CD3.
3. The method of claim 1, comprising administering monoclonal antibody directed against CD4.
4. The method of claim 1, comprising administering monoclonal antibody directed against CD52.
5. The method of claim 1, comprising administering muromonab-CD3.
6. The method of claim 1, comprising administering alemtuzumab.
7. The method of claim 1, comprising administering anti-thymocyte globulin.
8. The method of claim 1, comprising T-cell suicide gene transduction (Tk-gene).
9. The method of Claim 1, wherein said T-cell depletor or T-cell modifier is administered immediately after detection of HIV infection.
10. The method of Claim 1, wherein said T-cell depletor or T-cell modifier is administered until substantially no HIV cells are detectable.

11. The method of Claim 1, wherein said T-cell depletion or T-cell modification is started immediately after detection of HIV infection and continued for about two years or a shorter period if substantially no HIV cells are detectable sooner.
12. The method of one of the previous claims, wherein anti-HIV therapy is followed by treatment for strengthening of the immune system.
13. The method of one of the previous claims, wherein anti-HIV therapy is accompanied by treatment for strengthening of the immune system.
- ~~14. The method of one of the previous claims, further comprising administering of a said T-cell depletor or modifier in combination with or followed by G-CSF or GM-CSF treatment.~~
15. The method of one of the previous claims, comprising administration of a T-cell depletor in combination with "conventional" anti-HIV therapy given either as monotherapy or as a drug cocktail.
16. The method of one of the previous claims, comprising administration of a T-cell modifier in combination with "conventional" anti-HIV therapy given either as monotherapy or as a drug cocktail.

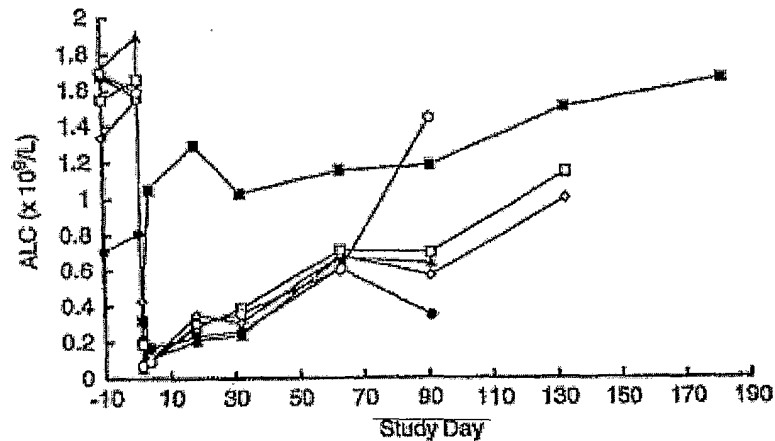


Figure 1. Mean absolute lymphocyte count (ALC) following intra-venous infusion of CAMPATH-1H. Dose cohorts consisted of 1 mg (■), 3 mg (●), 10 mg (▲), 30 mg (◇), 60 mg (□), and 100 mg (○) CAMPATH-1H.

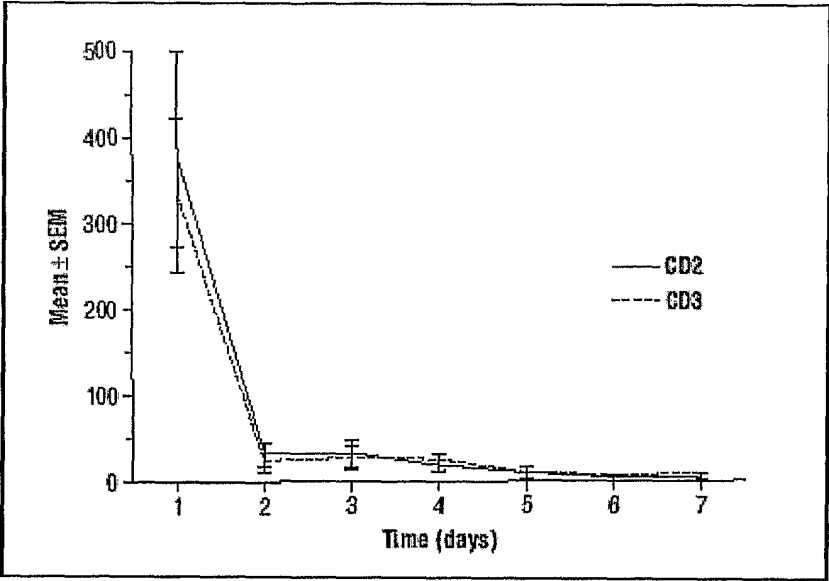


Fig. 2: Mean T-cell count following initiation of Thymoglobulin therapy

INTERNATIONAL SEARCH REPORT

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K39/395 A61K38/00 A61K48/00 A61P31/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	POMERANTZ ROGER J: "Reservoirs, sanctuaries, and residual disease: the hiding spots of HIV-1." HIV CLINICAL TRIALS. 2003 MAR-APR, vol. 4, no. 2, March 2003 (2003-03), pages 137-143, XP009055969 ISSN: 1528-4336 the whole document	1,2,5,7, 9-11,15, 16
X	WO 01/43779 A (TANOX, INC) 21 June 2001 (2001-06-21) the whole document	1,3,7, 9-11
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

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"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

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"&" document member of the same patent family

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Name and mailing address of the ISA

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International Application No
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	YANG QUAN-EN: "Eradication of HIV in infected patients: some potential approaches." MEDICAL SCIENCE MONITOR : INTERNATIONAL MEDICAL JOURNAL OF EXPERIMENTAL AND CLINICAL RESEARCH. JUL 2004, vol. 10, no. 7, July 2004 (2004-07), pages RA155-RA165, XP002350838 ISSN: 1234-1010 the whole document	1,2,7,9-16
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
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A	LIN SHI-LUNG ET AL: "Combinational therapy for potential HIV-1 eradication and vaccination." INTERNATIONAL JOURNAL OF ONCOLOGY, vol. 24, no. 1, January 2004 (2004-01), pages 81-88, XP009056030 ISSN: 1019-6439 abstract	1-16
A	WEINBLATT MICHAEL E ET AL: "CAMPATH-1H, a humanized monoclonal antibody, in refractory rheumatoid arthritis: An intravenous dose-escalation study" ARTHRITIS AND RHEUMATISM, vol. 38, no. 11, 1995, pages 1589-1594, XP009056061 ISSN: 0004-3591 cited in the application abstract	1-16
A	YANG QUAN-EN: "Human immunodeficiency virus reservoir might be actively eradicated as residual malignant cells by cytotoxic chemotherapy." MEDICAL HYPOTHESES, vol. 62, no. 3, March 2004 (2004-03), pages 358-363, XP002350843 ISSN: 0306-9877 the whole document	1-16

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 1-16 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.2

Claim 1, 9-16 are unclear in the sense of Art. 6, PCT as far as relating to therapeutic agents only defined by a desirable activity, i.e T-cell depletor that effectively kills essentially all the patient's T-cells or a T-cell modifier that prevents HIV from recognizing essentially all the T-cells. Although these functional features can be tested with the methods disclosed in the present application, the skilled person cannot understand the definition of the claimed subject-matter, because the claimed compounds are not limited by any structural definition and therefore no limits to the number of compounds to be tested for the modulating activity exist. The claim does not provide any criterion to discriminate between known and novel compounds. Thus, the lack of clarity is to such an extent that a meaningful search over the entire scope of said claims cannot be carried out.

Consequently, the search and examination has been carried out for those parts of the claims which appear to be clear in view of the description, namely those parts relating to anti-CD3 Ab (c.f. claim 2, 5), anti-CD4 Ab (c.f. claim 3), anti-CD52 Ab (c.f. claim 4, 6), anti-thymocyte globulin (c.f. claim 7) and thymidine kinase gene (c.f. claim 8), respectively.

Claims 12, 13 are unclear in the sense of Article 6, PCT. The therapeutic application is functionally defined by a mechanism of action which does not allow any practical application in the form of a defined, real treatment of a pathological condition (disease), i.e. treatment for strengthening the immune system.

The search has been carried out for those parts of the application which do appear to be clear (and/or concise), namely the treatment with G-CSF or GM-CSF (c.f. claim 14).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2005/008325

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 1-16 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/008325

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0143779	A	21-06-2001	AU 2265701 A	25-06-2001
WO 9308829	A	13-05-1993	NONE	