

(12) STANDARD PATENT
(19) AUSTRALIAN PATENT OFFICE

(11) Application No. AU 2008240181 B2

(54) Title
Tuberculosis vaccine and method of using same

(51) International Patent Classification(s)
A61K 39/04 (2006.01)

(21) Application No: **2008240181** (22) Date of Filing: **2008.04.11**

(87) WIPO No: **WO08/128065**

(30) Priority Data

(31) Number **60/923,301** (32) Date **2007.04.12** (33) Country **US**

(43) Publication Date: **2008.10.23**
(44) Accepted Journal Date: **2014.01.09**

(71) Applicant(s)
Jennifer Lighter;Jason Fisher

(72) Inventor(s)
Lighter, Jennifer;Fisher, Jason

(74) Agent / Attorney
FB Rice, L 14 90 Collins ST, Melbourne, VIC, 3000

(56) Related Art
WO 2000/047225 A2
Stanford J.L et al. 'Immunotherapy with *Mycobacterium vaccae* as an adjunct to chemotherapy in the treatment of pulmonary tuberculosis' *Tubercle* (1990) vol 71, pages 87-93
Haile, M. et al., 'Immunization with heat killed *Mycobacterium bovis* bacille Calmette- Guerin (BCG) in EurocrineTM L3 adjuvant protects against tuberculosis.' *Vaccine*. 2004, vol. 22, pages 1498-1508
Nishihara, H, et al, 'Immunogenicity of gamma-irradiated *Mycobacterium Tuberculosis H37Rv* (GIV) in mice' *American Review of Respiratory Disease* 1963, vol 88, No6, pages 827-832
Giri, P.K., et al., 'Comparative evaluation of intranasal and subcutaneous route of immunization for development of mucosal vaccine against experimental tuberculosis', *FEMS Immunology and Medical Microbiology*, 2005, Vol 45, pages 87-93
Bahr G.M et al. 'Improved immunotherapy for pulmonary tuberculosis with *Mycobacterium vaccae*' *Tubercle* (1990) vol 71, pages 259-266
Carpenter, C.M, et al, 'Preliminary report on vaccines prepared from gamma-irradiated *Mycobacterium Tuberculosis* and *Brucella Suis*' *The American Review of Tuberculosis and Pulmonary Diseases*, 1959, vol 79, No 3, pages 374- 377

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
23 October 2008 (23.10.2008)

PCT

(10) International Publication Number
WO 2008/128065 A3

(51) International Patent Classification:
A61K 39/04 (2006.01)

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG (patent), US (patent), UZ, VC, VN, ZA, ZM, ZW.

(21) International Application Number:
PCT/US2008/060065

(22) International Filing Date: 11 April 2008 (11.04.2008)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
60/923,301 12 April 2007 (12.04.2007) US

(63) Related by continuation (CON) or continuation-in-part (CIP) to earlier application:

US 60/923,301 (CON)
Filed on 12 April 2007 (12.04.2007)

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(71) Applicants and

Published:

(72) Inventors: **LIGHTER, Jennifer** [US/US]; 132 East 72nd Street, Apt. #1, New York, NY 10021 (US). **FISHER, Jason** [US/US]; 132 East 72nd Street, Apt. #1, New York, NY 10021 (US).

- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

(74) Agents: **ELRIFI, Ivor, R.** et al.; Mintz, Levin, Cohn, Ferris, Glovsky And Popeo Pc, One Financial Center, Boston, MA 02111 (US).

(88) Date of publication of the international search report:
18 December 2008



A3

(54) Title: TUBERCULOSIS VACCINE AND METHOD OF USING SAME

(57) Abstract: Provided is a pharmaceutical composition that includes one or more inactivated *Mycobacterium* spp., which are preferably inactivated using gamma irradiation, and which is than formulated for mucosal or pulmonary delivery to a subject. The pharmaceutical compositions are useful for preventing or treating mycobacterium-associated infections in a subject, including a human subject.

WO 2008/128065 A3

TUBERCULOSIS VACCINE AND METHOD OF USING SAME

Field of the Invention

5 The invention relates to a vaccine against tuberculosis and more particularly to a vaccine using inactivated *Mycobacterium* spp. formulated for pulmonary and mucosal delivery.

Background of the Invention

10 *Mycobacterium tuberculosis* (*M. tb*) infects one third of the world's human population¹. The common tuberculosis (TB) vaccine known as the BCG vaccine is given to neonates in developing countries. While this vaccine protects against meningeal and disseminated TB in children, it fails to adequately protect the establishment of latent TB or
15 reactivation of pulmonary disease in adult life². Moreover, BCG effectiveness is reported to decline over a period of 10-15 years³. The most common type of tuberculosis disease is pulmonary and transmission occurs via aerosol droplets expressed during coughing. Thus, despite the high prevalence of BCG vaccination, the disease burden has not decreased. There is now evidence to support that *M. tb* microbial lineages may have adapted to
20 mutations in antigens common to both *M. tb* and BCG^{4,5}. Moreover, recent studies suggest that BCG delivered parenterally may fail to induce T-cell immune responses in the lung mucosa, which may be critical for protection against pulmonary disease^{6,7}. Given these reasons, a new vaccine is imperative to decrease the prevalence of TB throughout the World.

25 Any discussion of documents, acts, materials, devices, articles or the like which has been included in the present specification is not to be taken as an admission that any or all of these matters form part of the prior art base or were common general knowledge in the field relevant to the present disclosure as it existed before the priority date of each claim of this application.

30

Summary of the Invention

The invention provides a vaccine for preventing and/or treating tuberculosis. The invention can be utilized with a number of vaccination strategies: prophylactically-given prior to infection to prevent infection with *M. tb*, post-exposure to eliminate or contain latent TB
5 and

prevent reactivation. It can either be used to replace BCG and/or as a booster to BCG in patients who have already received BCG or another subunit TB immunostimulant.

In one aspect, the invention provides a pharmaceutical composition comprising an inactivated *Mycobacterium* spp., wherein the composition is formulated for 5 intranasal, mucosal or intrapulmonary delivery to a mammalian host, and wherein the composition comprises an immunologically protective dose when delivered to the host.

In another aspect, the invention provides a pharmaceutical aerosol or spray composition comprising an immunologically protective dose of inactivated whole *Mycobacterium tuberculosis* (*M.tb*) and a carrier suitable for intranasal or 10 intrapulmonary delivery, wherein the *M.tb* is inactivated by irradiation and wherein the immunologically protective dose of the inactivated whole *M.tb* is an amount from 0.1 to 50 micrograms.

Suitable *Mycobacterium* spp. include, e.g., *M. tuberculosis*, *M. marinum*, *M. bovis*, *M. africanum*, or *M. microti*. In some embodiments, the inactivated 15 *Mycobacterium* spp. cells are killed cells or cell lysates.

In some embodiments, at least 90% of the *Mycobacterium* spp. cells are inactivated, e.g., 95%, 98%, 99% or 100% of the *Mycobacterium* spp. cells. When the subject is human, 100% of the *Mycobacterium* spp. cells are preferably inactivated.

In some embodiments, the *Mycobacterium* spp. is inactivated with irradiation. 20 Preferably irradiation is with gamma irradiation.

In other embodiments, the *Mycobacterium* spp. is inactivated with formalin or heat.

In some embodiments, the *Mycobacterium* spp. is inactivated with osmotic pressure via salts or drying process.

25 The pharmaceutical composition may optionally include an adjuvant to enhance an immune response in the host.

The pharmaceutical composition may optionally include a pharmaceutically acceptable carrier, or be provided lyophilized.

In some embodiments, the pharmaceutical composition is formulated for 30 intranasal delivery to the host.

In addition, the pharmaceutical composition is provided as an aerosol or spray package.

In one embodiment, the invention provides a pharmaceutical composition that
5 includes a gamma-irradiated *Mycobacterium* spp. that is formulated for intranasal or intrapulmonary

delivery to a mammalian host and which confers an immunologically protective dose when delivered to the host, e.g., a human.

In another aspect, the invention provides a pharmaceutical aerosol or spray composition comprising an immunologically protective dose of inactivated whole 5 *Mycobacterium tuberculosis* (*M.tb*) and a carrier suitable for intranasal or intrapulmonary delivery, wherein the *M.tb* is inactivated by irradiation.

In another aspect, the invention provides a method of vaccinating a mammal against TB. The method includes administering to the mammal a composition comprising inactivated *Mycobacterium* spp., wherein the vaccination of the mammal is intranasal 10 or intrapulmonary, and wherein the composition comprises an immunologically protective dose when delivered to the host.

In another aspect, the invention provides a method of vaccinating a mammal in need thereof against tuberculosis, the method comprising administering by an intranasal or intrapulmonary route a pharmaceutical aerosol or spray composition according to the 15 invention, wherein the mammal is not a mouse.

In another aspect, the invention provides a method of vaccinating a human against tuberculosis, the method comprising administering the composition according to the invention, to the human by an intranasal or intrapulmonary route.

In another aspect, the invention provides an immunostimulant that facilitates 20 delivery of another antigen.

In one aspect, the invention provides a pharmaceutical composition comprising an inactivated *Mycobacterium* spp., wherein the composition is formulated for intranasal, mucosal or intrapulmonary delivery to a mammalian host, and wherein the composition comprises an immunologically protective dose when delivered to the host.

25 Suitable *Mycobacterium* spp. for use in the method include, e.g., *M. tuberculosis*, *M. marinum*, *M. bovis*, *M. africanum*, or *M. microtii*. In some embodiments, the inactivated *Mycobacterium* spp. cells are killed cells or cell lysates. In some embodiments, at least 90% of the *Mycobacterium* spp. cells are inactivated, e.g., 95%, 98%, 99%, or 100% of the *Mycobacterium* spp. cells. When the subject is a human, 30 100% of the *Mycobacterium* spp. cells are preferably inactivated.

In some embodiments, the *Mycobacterium* spp. for use in the method is inactivated with irradiation. Preferably irradiation is with gamma irradiation. In other embodiments, the *Mycobacterium* spp. is inactivated with formalin or heat

5 The pharmaceutical composition for use in the method may optionally include an adjuvant to enhance a protective immune response in the host.

The pharmaceutical composition for use in the method may optionally include a pharmaceutically acceptable carrier, or be provided lyophilized.

In some embodiments, the pharmaceutical composition for use in the method is formulated for intranasal delivery to the host.

In addition, the pharmaceutical composition for use in the method is provided as an aerosol or spray package.

5 In some embodiments, the pharmaceutical composition is delivered through a device configured for nasal or pulmonary delivery.

In a still further aspect, the invention provides a method for preparing a vaccine for treating *Mycobacterium* infection, comprising formulating an immunologically protective dose of an inactivated *Mycobacterium* spp. for intranasal or pulmonary delivery to a 10 mammalian host.

In some embodiments, the method includes testing the vaccine in a non-human animal model of tuberculosis. The animal model can be, e.g., a mouse, guinea pig, rabbit, bovine, or non-human primate.

In another aspect, the invention provides a pharmaceutical composition when used for 15 intranasal or intrapulmonary delivery comprising an immunologically protective dose of inactivated whole *Mycobacterium tuberculosis* (*M.tb*) and a carrier suitable for intranasal or intrapulmonary delivery, wherein the *M.tb* is inactivated by irradiation.

Unless otherwise defined, all technical and scientific terms used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this 20 invention belongs. Although methods and materials similar or equivalent to those described herein can be used in the practice or testing of the present invention, suitable methods and materials are described below. All publications, patent applications, patents, and other references mentioned herein are incorporated by reference in their entirety. In the case of conflict, the present specification, including definitions, will control. In addition, the 25 materials, methods, and examples are illustrative only and not intended to be limiting.

Throughout this specification the word "comprise", or variations such as "comprises" or "comprising", will be understood to imply the inclusion of a stated element, integer or step, or group of elements, integers or steps, but not the exclusion of any other element, integer or step, or group of elements, integers or steps.

30 Other features and advantages of the invention will be apparent from the following detailed description and claims.

Detailed Description of the Invention

A vaccine according to the invention is prepared using one or more inactivated
5 Mycobacterium spp. that is then formulated for pulmonary and mucosal delivery to a subject.

The inactivated mycobacterium, when delivered to the lung or mucosal/nasal mucosa of a subject is postulated to elicit a much stronger immune response than has been observed with previously described Tb vaccines.

Research in an influenza murine model suggests that pulmonary immune cells remain

5 localized and only a few B cells and T cells migrate systemically.^{8,9} The research shows that key influenza-specific CD8-T cells can remain locked within a semi-isolated circuit within the chest, barely reaching the bloodstream or the peripheral lymphoid tissue but instead cycling between the respiratory mucosa and the local lymph nodes. Zammit et al suggest that one reason may be the special anatomy of the lung lymphatic drainage⁸. Cells entering the thoracic duct from the
10 local pulmonary nodes are fed to the lung in the pulmonary arterial blood. Some may pass through to the systemic circulation, but activated cells tend to adhere to the vascular endothelium and move back into the lung, thus keeping cells at the site of infection. From here the cells again move to the local nodes where they re-encounter antigen. Indeed, it has been found in the murine TB model that antigen specific memory T-cells preferentially home back to the site of
15 vaccination and that the location of T cells in the airway at the time of infection is of importance¹⁰⁻¹¹.

Applying these findings to the instant invention, then, for a TB vaccine to be successful in evoking a protective immune response in the pulmonary and respiratory mucosal system, it preferably directly stimulates the antigen-presenting cells in the respiratory epithelium. The
20 invention accomplishes this by delivering irradiated mycobacterium directly to the pulmonary and mucosal interface.

One study published in 1968 reported no adverse effects when aerogenic BCG was given to 439 children.¹² In experimental animal species, aerosol or intra-tracheal delivery of BCG varied in efficacy from superior protection than parenteral inoculation in primates¹³, cattle¹⁴
25 guinea pigs¹⁵, and mice^{16,17,18,19} to no apparent advantage over the subcutaneous route in other

studies²⁰. Other studies showed immune response was dependent on initial BCG inoculum dose^{12,21}.

Recently, several research groups have published data on using mucosal M tb subunit vaccines as booster when administered weeks after primary immunization in the murine model.

5 Goonetilleke et al findings support the importance of homing properties of T cells when exposed to recombinant modified vaccinia virus Ankara, expressing Mycobacterium tuberculosis Ag 85A. Intranasal boosting induced a five fold higher T cell response in the lungs than parenteral BCG thereby providing support that T cells in the lungs are in some form compartmentalized²². Santosuosso et al showed that an intranasal adenoviral vector expressing Ag85A boosted

10 primary CD4 and CD8 T-cell response in the airway lumen and enhanced protection against pulmonary M. tuberculosis challenge²³. Other studies in mice using mycobacterial antigens (Ag 85A or Ag 85B-ESAT-6) in either recombinant bacterial / viral vectors or with proteins and adjuvants given mucosally as a booster have shown protective immunity when compared to standard parenteral BCG when challenged with live M.tb^{24,25,26}. All of these studies showed

15 statistically fewer colony forming units of mycobacteria in the lungs and spleen after the mucosal subunit vaccine boost when compared to BCG alone.

The adaptive immune response to live M tuberculosis infection is delayed compared to other infections and this allows the bacilli population in the lungs to markedly increase during the preimmune phase of the infection²⁷. By using dead bacilli in an aerosolized vaccine

20 formulation there is no multiplying mycobacteria and the immune response would have adequate time to respond to the antigens on the cell wall of the bacteria. In addition, over thousands of years through fitness challenges M tb has found many ways to evade the innate immune response during initial antigen presentation^{28,29,30,31}. Dead mycobacteria do not have the ability to

25 produce enzymes that evoke ways to evade the human immune system and avoid successful antigen presentation.

One reason we believe this method of using killed whole mycobacterium has been overlooked in the past is due to studies performed by Robert Koch in the late 19th century³². Koch used a sterile filtrate from *M. tuberculosis* cultures as a therapeutic vaccine in subjects. This induced such a severe inflammatory immune response in some individual's with active disease, that some died. Known as the Koch phenomenon, this necrotic reaction appears to be due to overproduction of several pro-inflammatory cytokines but in particular TNF- α ³³. This incident haunted vaccinologists for decades and we believe scientists have since overlooked the potential use of whole bacilli. Whole killed mycobacterium will be utilized in low enough quantities to avoid an overwhelming inflammatory reaction and yet still elicit a strong immunoprotective response

In general, any type of inactivation procedure can be used as long as the treatment leaves the population of bacteria unable to produce a productive infection at the host, while at the same time preserving antigenic structures necessarily for eliciting a productive response to the corresponding disease-causing mycobacterium. The mycobacterium preparation is typically incapacitated. By "incapacitated" in the context of an incapacitated bacterial cell produced according to the invention, is meant that the bacterial cell is in a state of irreversible bacteriostasis. While the bacterium retains its structure--and thus retains, for example, the immunogenicity, antigenicity, and/or receptor-ligand interactions associated with a wild-type bacterium--it is not capable of replicating. In some embodiments, it is incapable of replication due to the presence of an infecting phage within the bacterial cell.

A preferred type of inactivation is gamma-irradiation. Other types of inactivation known in the art include, e.g., other types of radiation (including ultra-violet irradiation), formalin treatment, and heat treatment. In some embodiments, >70% killed for non-human use. In the embodiments for human use, 100% of the cells are killed.

While not wishing to be bound by theory, it is postulated that gamma-irradiated Mycobacterium are especially suitable for use in the compositions and methods of the invention.

Gamma-irradiated bacteria are commonly used in the laboratory because they are considered safe and do not replicate. In many trials, they have nevertheless been shown to elicit an immunoprotective response, including responses elicited by antigens on the bacilli wall^{34,35,36}. In addition, gamma irradiated mycobacterium undergo apoptosis and become engulfed by dendritic cells. Dendritic cells present the mycobacterium antigens to T-cells, which activate CD4 Th1 and CD8 cytotoxic cells. Gamma-irradiated M tb can also induce nitric oxide release³⁴ and can elicit similar Th2 responses to live M tb³⁵. In 1963, Nishihara et al intradermally injected gamma-irradiated M tb into mice and found it was equally as protective as BCG injected intradermally against aerosol challenge with M tb³⁷.

10 Delivery of the irradiated bacteria or the bacterial antigens to the lung and mucosal border is believed to facilitate an effective immune response in the host. Upon delivery to the nasal mucosa or alveolar passages, the bacteria or bacteria antigens are detected by antigen presenting cells, specifically dendritic cells at the alveoli/interstitial space of the lung. These dendritic cells then migrate to the regions enriched in naïve CD4+ and CD8 + T-cells and which 15 constitute the paracortical zone of the regional lymph nodes of the lung. These T cells are activated by the dead bacilli's antigens. The dead mycobacteria will become phagocytosed by macrophages.

 In general, any *Mycobacterium* species or strain that is a member of the *M. tuberculosis* complex can be used in the composition and methods of the invention. Suitable species, 20 Mycobacterium which are members of the M tb complex include, e.g., *Mycobacterium bovis*, *Mycobacterium africanum*, *Mycobacterium microtii*, and *Mycobacterium tuberculosis*. Mycobacterium that are genetically similar include *Mycobacterium canettii* and *Mycobacterium marinum*. The particular species or combination of species is selected for the corresponding host species and type Mycobacterium- associated disease to be treated. Other Mycobacteria that 25 cause disease in humans include, e.g., *Mycobacterium avium intracellulare*, *Mycobacterium leprae*, *Mycobacterium lepraeumurium*, *Mycobacterium paratuberculosis*, *Mycobacterium ulcerans*,

Mycobacterium smegmatis, , Mycobacterium xenopi, Mycobacterium chelonei, Mycobacterium fortuitum, Mycobacterium farcinogenes, Mycobacterium flavum, Mycobacterium haemophilum, Mycobacterium kansasii, Mycobacterium phlei, Mycobacterium scrofulaceum, Mycobacterium senegalense, Mycobacterium simiae, Mycobacterium thermoresistible, and Mycobacterium

5 xenopi.

The mycobacterium to be used in the pharmaceutical composition can include whole cells or portions of cells, e.g., cell lysates. For example, suitable components include a gamma irradiated whole cell lysate, gamma irradiated culture filtrate proteins, gamma irradiated cell wall fraction, gamma irradiated cell membrane fraction, gamma irradiated cytosol fraction, gamma

10 irradiated soluble cell wall proteins, and gamma irradiated soluble protein pool.

Preparing pharmaceutical compositions

The killed cells are prepared for administration to a host by combining inactivated cells or cell lysates with a pharmaceutically acceptable carrier to form a pharmaceutical composition. The carrier can be, e.g., such as physiological saline, mineral oil, vegetable oils, aqueous sodium carboxymethyl cellulose, or aqueous polyvinylpyrrolidone. In some embodiments, the carrier is sufficiently pure to be administered therapeutically to a human subject. Those of relevant skill in the art are well able to prepare suitable solutions using, for example, isotonic vehicles such as

20 Sodium Chloride Injection, Ringer's Injection, or Lactated Ringer's Injection. Preservatives, stabilizers, buffers, antioxidants and/or other additives may be included, as required.

A skilled person in the field familiar with the protocols, formulations, dosages and clinical practice associated with, e.g., the administration of *M. bovis* BCG can in addition readily adapt these protocols for use with pharmaceutical compositions of the present invention. The

25 vaccines are administered in a manner compatible with the dosage formulation, and in such amount as will be therapeutically effective and immunogenic. The quantity to be administered

depends on the subject to be treated, including, e.g., the capacity of the individual's immune system to mount an immune response, and the degree of protection desired. Suitable dosage ranges are of the order of several hundred micrograms active ingredient per vaccination with a preferred range from about 0.1 μ g to 1000 μ g, such as in the range from about 1 μ g to 300 μ g, 5 and especially in the range from about 10 μ g to 50 μ g. Suitable regimens for initial administration and booster shots are also variable but are typified by an initial administration followed by subsequent inoculations or other administrations. Thus, the vaccine may be administered in a single dose or in a plurality of doses. In one embodiment, the vaccine may be administered in two doses about 1-12 months apart. The subject may be vaccinated at any time, 10 although it is preferred to administer the vaccine shortly (optimally about 10 days to two weeks) before periods of anticipated stress, such as during shipping or other handling. It is also envisioned that the vaccine may be administered to pregnant animals prior to birth to increase production of hyper immune colostrum.

A composition may be administered alone or in combination with other treatments or 15 standard BCG vaccine, either simultaneously or sequentially dependent upon the condition to be treated. The composition can be administered after vaccination with BCG and therefore act as a boosting tuberculosis vaccine. Moreover, it may be given after an initial subcutaneous inoculation of the whole killed bacilli followed by an intranasal or mucosal boost.

The killed cells may be incorporated into microparticles or microcapsules to prolong the 20 exposure of the antigenic material to the subject animal and hence protect the animal against infection for long periods of time. The microparticles and capsules may be formed from a variety of well-known inert, biocompatible matrix materials using techniques conventional in the art. Suitable matrix materials include, e.g., natural or synthetic polymers such as alginates, poly(lactic acid), poly(lactic/glycolic acid), poly(caprolactone), polycarbonates, polyamides, 25 polyanhydrides, polyortho esters, polyacetals, polycyanoacrylates, polyurethanes, ethylene-vinyl acetate copolymers, polystyrenes, polyvinyl chloride, polyvinyl fluoride, poly(vinyl

imidazole), chlorosulphonated polyolefins, polyethylene oxide, and particularly agar and polyacrylates. Examples of techniques for incorporation of materials into microparticles or encapsulation which may be used herein are described by Sparks³⁸, Kydonius³⁹, and El-Nokaly⁴⁰ the contents of each of which are incorporated by reference herein.

5 The inactivated mycobacterium may be contained in small particles suspended in the water or saline. The vaccine formulations may also contain optional adjuvants, antibacterial agents or other pharmaceutically active agents as are conventional in the art. Adjuvants may include but are not limited to salts, emulsions (including oil/water compositions), saponins, liposomal formulations, virus particles, polypeptides, pathogen-associated molecular patterns

10 (PAMPS), nucleic acid-based compounds or other formulations utilizing certain antigens. Suitable adjuvants include, e.g., vegetable oils, alum, Freund's incomplete adjuvant, or Freund's incomplete adjuvant, with oils and Freund's incomplete adjuvant being particularly preferred. Other adjuvants include agents such as aluminum hydroxide or phosphate (alum), immune-stimulating complexes (ISCOMs), synthetic polymers of sugars (CARBOPOL®), aggregation of

15 the protein in the vaccine by heat treatment, aggregation by reactivating with pepsin treated (Fab) antibodies to albumin, mixture with bacterial cells such as *C. parvum* or endotoxins or lipopolysaccharide components of gram-negative bacteria, emulsion in physiologically acceptable oil vehicles such as mannide mono-oleate (Aracel A) or emulsion with 20 percent solution of a perfluorocarbon (Fluosol-DA) used as a block substitute may also be employed.

20 The inactivated mycobacterium may be contained in a mucosal bacterial toxin adjuvant such as the *Escherichia coli* labile toxin (LT) and cholera toxin (CT) or in CpG oligodeoxynucleotide (CpG ODN)⁴¹. Another possible mucosal adjuvant Monophosphoryl lipid A (MPL), a derivative and less toxic form of LPS, when combined with liposomes was found to induce mucosal immunoprotective responses⁴². One new adjuvant designed for nasal

25 vaccination, Eurocine L3™, has been shown to induce long-lasting immunity against TB in experimental animal models after intranasal administration⁴³⁻⁴⁵. The adjuvant technology

consists of a non-toxic pharmaceutical formulation based on a combination of endogenous and pharmaceutically accepted lipids. The vaccine may optionally include additional immune modulating substances such as cytokines or synthetic IFN- γ inducers such as poly I:C alone or in combination with the above-mentioned adjuvants.

5 Still other adjuvants include microparticles or beads of biocompatible matrix materials. The microparticles may be composed of any biocompatible matrix materials as are conventional in the art, including but not limited to, agar and polyacrylates. The practitioner skilled in the art will recognize that other carriers or adjuvants may be used as well. For example, Chitosan or any bioadhesive delivery system which may be used are described by Webb and Winkelstein⁴⁶ the
10 contents of which are incorporated by reference herein.

The pharmaceutical composition containing the inactivated mycobacterium is preferably formulated for intranasal or intrapulmonary delivery using methods known in the art. The formulation of the irradiated mycobacterium combined with the adjuvant is preferably selected to minimize side effects, such as inflammation, associated with vaccination or may improve the
15 formulation's stability. The adjuvant may also have a role as an immunostimulant or as a depot.

In some embodiments, the inactivated mycobacterium are delivered by the refinement of a nebulizer or via three types of compact portable devices, the metered-dose inhaler (MDI) and the dry powder inhaler (DPI). Intransal delivery can occur via the nasal spray, dropper or nasal metered drug delivery device. The inactive mycobacterium may be delivered via a metered dose
20 inhaler. Typically, only 10–20% of the emitted dose is deposited in the lung. The high velocity and large particle size of the spray causes approximately 50–80% of the drug aerosol to impact in the oropharyngeal region.

The mycobacterium may be contained in a dry powder formulation such as but not limited to a sugar carrier system. The Sugar Carrier System could include lactose, mannitol, and/or glucose. Lactose, mannitol, and glucose are all approved by the FDA as carriers. There
25 are also larger sugar particles such as lactose monohydrate- typically 50-100 micrometers in

diameter, which remain in the naso-oropharynx but allows the inactivated bacilli to travel through the respiratory tree into the alveoli.⁴⁷

If desired, the mycobacterium may be contained in a liposomal formulation. Liposomes, like other inhaled particles reaching the alveoli, are cleared by macrophages. The processing, 5 uptake and recycling of liposomal phospholipids occurs through the same mechanism as endogenous surfactant via the alveolar type II cells.

A pharmaceutical composition containing the irradiated mycobacterium described above is administered to a suitable individual for preventing or treating tuberculosis. Reference herein to "tuberculosis" includes reference to pulmonary and extra-pulmonary tuberculi. The terms

10 "individual," "subject," "host," and "patient," are used interchangeably herein and refer to any subject having a bacterial infection amenable to treatment using the therapeutic vaccine of the invention, and for whom treatment or therapy is desired. The pharmaceutical composition can be prepared for any mammalian host that is susceptible to infection by mycobacterium. Suitable mammalian hosts include, e.g., farm animals such as swine and bovine

15 The terms "treatment", "treating", "treat" and the like are used herein to generally refer to obtaining a desired pharmacologic and/or physiologic effect. The effect may be prophylactic in terms of completely or partially preventing a disease or symptom thereof and/or may be

therapeutic in terms of a partial or complete stabilization or cure for a disease and/or adverse effect attributable to the disease. "Treatment" as used herein covers any treatment of a disease in

20 a subject, particularly a mammalian subject, more particularly a human, and includes: (a) preventing the disease or symptom from occurring in a subject which may be predisposed to the disease or symptom but has not yet been diagnosed as having it; (b) inhibiting the disease symptom, i.e., arresting its development; or relieving the disease symptom, i.e., causing regression of the disease or symptom (c) preventing reactivation of the disease in latent TB, i.e.

25 preventing the bacilli from transitioning from a dormant to growth phase. Thus, administration is preferably in a "prophylactically effective amount" or a "therapeutically effective amount" (as

the case may be, although prophylaxis may be considered therapy), this being sufficient to show benefit to the individual. The actual amount administered, and rate and time-course of administration, will depend on the nature and severity of what is being treated. Prescription of treatment, e.g. decisions on dosage etc, is within the responsibility of general practitioners and

5 other medical or veterinarian.

The subject treated with the vaccine typically will have or will develop protective immunity to an infecting bacterium. The term "protective immunity" means that a vaccine, immunogenic composition or immunization schedule that is administered to a mammal induces an immune response that prevents, retards the development of, or reduces the severity of a

10 disease that is caused by a pathogenic bacterium or diminishes or altogether eliminates the symptoms of the disease. By "infecting bacterium" is meant a bacterium that has established infection in the host, and which may be associated with a disease or undesirable symptom as a result. Generally, infecting bacteria are pathogenic bacteria.

The phrase "in a sufficient amount to elicit an immune response" means that there is a

15 detectable difference between an immune response indicator measured before and after administration of a particular vaccine preparation or immunogenic composition. Animals given the vaccine trial will be tested against animals given intradermal BCG (as the gold standard). Several weeks after the last vaccination, animals will be challenged with aerosol virulent M tb.

20 The clinical and molecular immune response will be evaluated several weeks after challenge with virulent M. tb.

Screening and Developing Tuberculosis Vaccines

A test vaccine can be screened or optimized by subjecting a population of mycobacterium cells, or fractions thereof (as described above) to various inactivation regimens, preparing a

25 candidate pharmaceutical composition containing the treated cells or cell fractions and testing

the ability of the treated composition using the methods described above to elicit an immune response and/or mount an effective challenge to mycobacterium infection in a host.

The terms "immunogenic bacterial composition", "immunogenic composition", and "vaccine" are used interchangeably herein to mean a preparation capable of eliciting a cellular

5 and/or humoral immune response in a subject when administered in a sufficient amount to elicit an immune response to epitopes present in said preparation.

Immunopotency of the antigenic molecule expressed by the mycobacterium cell or extract preparation, can be determined by monitoring the immune response of test animals following immunization with the bacteria expressing the recombinant antigen. Test animals may 10 include mice, guinea pigs, rabbits, bovine, non-human primates, and eventually human subjects.

The immune response of the test subject can additionally be analyzed by various approaches such as: (a) T-cell associate cytokine production (b) plasma cytokine production (c) T cell proliferation, cytotoxicity, cytokine profiles (d) T cell antigen repertoire (e) T cell regulatory profiles (f) mRNA profiles (g) innate immunity profiles (h) antibody profiles (i) genetics and (j) 15 protection from disease and/or mitigation of infectious symptoms in immunized animals.

References:

1. World Health Organization. Global Tuberculosis Control: Surveillance, Planning Financing. WHO report 2002. Geneva, Switzerland: WHO, 2002.
2. Fine, PE. Variation in protection by BCG: implications of and for heterologous immunity. *Lancet* 1995;346:1339-1345
3. World Health Organization. 2001. WHO-vaccine preventable diseases: monitoring system. 2000 global summary. World Health Organization, Geneva Switzerland.
4. Behr MA, Wilson MA, Gill WP, Salamon H, Schoolnik GK, Rane S, et al. Comparative genomics of BCG vaccines by whole-genome DNA microarray. *Science* 1999;284(5419):1328-1334
5. Gagneux S, DeRiemer K, Van T, Kato-Maeda M, de Jong BC, Narayanan S, et al. Variable host –pathogen compatibility in *Mycobacterium tuberculosis*. *Proc Natl Acad Sci USA*. 2006;103(8):2869-2873
6. Gallichan W S and Rosenthal KL. Long-lived cytotoxic T lymphocyte memory in mucosal tissues after mucosal but not systemic immunization. *Journal of Experimental Medicine* 1996.;184:1879
7. Belyakov IM Moss B, Strober W, Berzofsky JA. Mucosal vaccination overcomes the barrier to recombinant vaccinia immunization caused by preexisting poxvirus immunity. *Proceedings for the National Academy of Science* 1999;96:4512
8. Zammit DJ, Turner DL, Klonowski KD, Lefrancois L, Cauley LS. Residual Antigen Presentation after Influenza Virus Infection Affects CD8 T Cell Activation and Migration. *Immunity*. 2006; 24: 439-449.
9. Zammit DJ, Cauley LS, Pham QM, Lefrancois L. Dendritic Cells Maximize the Memory CD8 T Cell Response to Infection. *Immunity*. 2005; 22: 561-570.

10. Kamath, A. B., J. Woodworth, X. Xiong, C. Taylor, Y. Weng, S. M. Behar. 2004. Cytolytic CD8⁺ T cells recognizing CFP10 are recruited to the lung after *Mycobacterium tuberculosis* infection. *J. Exp. Med.* 200: 1479-1489.

11. Santosuosso, M., X. Zhang, S. McCormick, J. Wang, M. Hitt, Z. Xing. 2005. Mechanisms of 5 mucosal and parenteral tuberculosis vaccinations: adenoviral-based mucosal immunization preferentially elicits sustained accumulation of immune protective CD4 and CD8 T cells within the airway lumen. *J. Immunol.* 174: 7986-7994.

12. Rosenthal SR, McEnery JT, Raisys N. Aerogenic BCG Vaccination Against Tuberculosis in Animal and Human Subjects. *The Journal of Asthma Research.* 1968; 5: 3030-322.

10 13. Barclay WR, Busey WM, Dalgard DW, Good RC, Janicki BW, Kasik JE, Ribi E, Ulrich CE, Wolinsky E. Protection of Monkeys against Airborne Tuberculosis by Aerosol Vaccination and *Bacillus Calmette-Guerin*. *American Review of Respiratory Disease.* 1973; 107: 351-358.

14. Buddle BM, Keen D, Thomson A, Jowett G, McCarthy AR, Heslop J, De Lisle GW, 15 Standford , JL, Aldwell FE. Protection of cattle from bovine tuberculosis by vaccination with BCG by the respiratory or subcutaneous route, but not by vaccination with killed *Mycobacterium vaccae*. *Research in Veterinary Science.* 1995; 59: 10-16.

15. Lagraderie M, Balazuc AM, Deriaud E, Leclerc CD, Gheorghiu M. Comparison of immune 20 responses of mice immunized with five different *Mycobacterium bovis* BCG vaccine strains. *Infection Immunity.* 1996; 64 (1): 1-9.

16. Lefford MJ. Immunization of Mice after Airborne Infection with Various Strains of BCG. *American Review of Respiratory Disease.* 1978; 117: 103-109

17. Falero-Diaz G, Challacombe S, Banerjee D, Douce G, Boyd A, Ivanyi J. Intranasal 25 vaccination of mice against infection with *Mycobacterium tuberculosis*. *Vaccine.* 2000; 18 (28): 3223- 3229.

18. Nuermberger EL, Yoshimatsu T, Tyagi S, Bishai WR, Grosset JH. Paucibacillary Tuberculosis in Mice after Prior Aerosol Immunization with *Mycobacterium bovis* BCG. *Infection and Immunity*. 2004; 72 (2): 1065-1071.

19. Giri PK, Verma I, Khuller GK. Protective efficacy of intranasal vaccination with 5 *Mycobacterium bovis* BDG against airway *Mycobacterium tuberculosis* challenge in mice. 2006 *Journal of Infection*. 53:350-356.

20. Orme, IM and Collins FM. Aerogenic vaccination of mice with *Mycobacterium bovis* BCG. *Tubercl* 1986; 67:133-140

21. Middlebrook G. Immunological Aspects of Airborne Infection: Reactions to Inhaled 10 Antigens. *National Jewish Hospital Denver. Bact Review*. 1961; 25: 331-346.

22. Goonetilleke NP, McShane H Hannan CM, Anderson RJ, Brookes RH Hill AVS. Enhanced Immunogenicity and Protective Efficacy Against *Mycobacterium tuberculosis* of Baccille Calmette-Guerin Vaccine Using Mucosal Administration and Boosting with a 15 Recombinant modified vaccinia virus Ankara. *Journal of Immunology* 2003;171(3):1602-1609

23. Santosuosso M, McCormick S, Zhang X, Zganiacz A, Xing Z. Intranalsal boosting with an adenovirus-vectored vaccine markedly enhances protection by parenteral *Mycobacterium bovis* BCG immunization against pulmonary tuberculosis. *Infection and Immunity* 2006;74(8):4634-4643

24. Dietrich J, Andersen C, Rappuoli R, Doherty TM, Jensen CG, Andersen P. Mucosal 20 Administration of Ag85B-ESAT-6 Protects against infection with *Mycobacterium tuberculosis* and boosts prior Bacillus Calmette-Guerin Immunity. *The Journal of Immunology* 2006;177:6353-6360

25. Xing Z, Lichty BD. Use of recombinant virus-vectored tuberculosis vaccines for there 25 respiratory mucosal immunization. *Tuberculosis* 2006;86:211-217

26. Gartner T, Baeten M, Otieno S, Revets H, Baetselier PD, Huygen K. Mucosal prime-boost vaccination for tuberculosis based on TLR triggering OprI lipoprotein from *Pseudomonas aeruginosa* fused to mycolyl-transferase Ag85A. *Immunology Letters* 2007;111:26-35.

27. Wolf AJ, Desvignes L, Linas B, Banaiee N, Tamura T, Takatsu K, Ernst JD *J Exp Med*. 5 2008 Jan 21;205(1):105-15. Epub 2007 Dec 24

28. Gagliardi MC, Lemassu A, Teloni R, Mariotti S, Sargentini V, Pardini M, Daffé M, Nisini R. Cell wall-associated alpha-glucan is instrumental for *Mycobacterium tuberculosis* to block CD1 molecule expression and disable the function of dendritic cell derived from infected monocyte. *Cell Microbiol*. 2007 Aug;9(8):2081-92. Epub 2007 Apr 17.

10 29: Pai RK, Convery M, Hamilton TA, Boom WH, Harding CV. Inhibition of IFN-gamma-induced class II transactivator expression by a 19-kDa lipoprotein from *Mycobacterium tuberculosis*: a potential mechanism for immune evasion. *J Immunol*. 2003 Jul 1;171(1):175-84.

15 30. Schaible UE, Winau F, Sieling PA, Fischer K, Collins HL, Hagens K, et al. Apoptosis facilitates antigen presentation to T lymphocytes through MHC-1 and CD1 in tuberculosis. *Nature Medicine* 2003;9(8):1039-1046

31. Kaufman SH, Cole ST, Mizrahi V, Rubin E, Nathan C. *Mycobacterium tuberculosis* and the host response. *Journal of Experimental Medicine* 2005;201(11):1693-1697

32. Koch R. Classics in infectious diseases. The etiology of tuberculosis: Robert Koch, Berlin 20 Germany, 1882> *Review of Infectious Diseases* (1982) 4(6):1270-1274

33. Rook GA, Stanford JL: The Koch phenomenon and the immunopathology of tuberculosis. *Current Topics of Microbiology and Immunology* (1996) 215: 239-262

34. Roy S, Sharma S, Sharma M, Aggarwal R, Bose M. Induction of nitric oxide release from the human alveolar epithelial cell line A549: an in vitro correlate of innate immune response to *Mycobacterium tuberculosis*. *Immunology*. 2004; 112: 471-480.

25

35. Pereira RMS, Calegari-Silva TC, Hernandez MO, Saliba AM, Redner P, Pessolani MCV, Sarno EN, Sampaio EP, Lopez UG. *Mycobacterium leprae* induces NF- κ B-dependent transcription repression in human Schwann cells. *Biochemical and Biophysical Research Communications*. 2005; 335: 20-26.

5 36. Barrera SDL, Aleman M, Musella R, Schierloh P, Pasquinelli V, Garcia V, Abbate E Sasian MDC. IL-10 down-regulates costimulatory molecules on *Mycobacterium tuberculosis* pulsed macrophages and impairs the lytic activity of CD4 and CD8 CTL in tuberculosis patients. *Clinical Exp Immunology*. 2004; 138: 128-138.

10 37. Nirshihara H, Lawrence CA, Taplin GV, Carpenter CM. Immunogenicity of gamma-irradiated *Mycobacterium tuberculosis* H37Rv (GIV) in mice. *The American Review of Respiratory Disease*. 1963; 88: 827-832.

38. Kirk-Othmer Encyclopedia of Chemical Technology, third edition, John Wiley & Sons, New York, (1981) volume 15, pages 470-493

15 39. Controlled Release Technologies: Methods, Theories, and Applications, CRC Press, Cleveland, Ohio, 1980

40. Polymeric Delivery Systems, Properties and Applications, ACS Symposium Series 520, American Chemical Society, Washington, D.C., 1993

41. Freytag LC, Clements JD. Mucosal adjuvants. *Vaccine* 2005 ;23(15): 1804-1813

42. Childers NK, Miller KL, Tong G, Llarena JC, Greenway T, Ulrich JT et al. Adjuvant activity 20 of monophosphoryl lipid A for nasal and oral immunization with soluble or liposome-associated antigen. *Infection and Immunity* 2000;68:5509-5516

43. M. Haile, B. Hamasur, T. Jaxmar, D. Gavier-Widen, M.A. Chambers and B. Sanchez *et al.*, Nasal boost with adjuvanted heat-killed BCG or arabinomannan-protein conjugate 25 improves primary BCG-induced protection in C57BL/6 mice, *Tuberculosis (Edinburgh)* 85 (2005), pp. 107-114.

44. M. Haile, U. Schroder, B. Hamasur, A. Pawlowski, T. Jaxmar and G. Kallenius *et al.*,
Immunization with heat-killed *Mycobacterium bovis* Bacille Calmette-Guerin (BCG) in
Eurocine L3 adjuvant protects against tuberculosis, *Vaccine* **22** (2004), pp. 1498–1508

45. B. Hamasur, M. Haile, A. Pawlowski, U. Schroder, A. Williams and G. Hatch *et al.*,
5 *Mycobacterium tuberculosis* arabinomannan–protein conjugates protect against
tuberculosis, *Vaccine* **21** (2003), pp. 4081–4093

46. Basic & Clinical Immunology, Stites et al. (ed.), fifth edition, Lange Medical Publications,
Los Altos, Calif., 1984, pages 282-285

47. Labiris NR, Dolovich MB. Pulmonary drug delivery. Part II: The role of inhalant delivery
10 devices and drug formulations in therapeutic effectiveness of aerosolized medications.
British Journal of Clinical Pharmacology. 2003; 56; 600-612.

Additional embodiments are within the claims.

The claims defining the invention are as follows:

1. A pharmaceutical aerosol or spray composition comprising an immunologically protective dose of inactivated whole *Mycobacterium tuberculosis* (*M.tb*) and a carrier suitable for intranasal or intrapulmonary delivery, wherein the *M.tb* is inactivated by irradiation and wherein the immunologically protective dose of the inactivated whole *M.tb* is an amount from 0.1 to 50 micrograms.
2. The pharmaceutical composition of claim 1, wherein 90% of the *M.tb* are inactivated.
3. The pharmaceutical composition of claim 1, wherein 100 % of the *M.tb* are inactivated.
4. The pharmaceutical composition of any one of claims 1 to 3, wherein said inactivation is by gamma irradiation.
5. The pharmaceutical composition of any one of claims 1 to 4, wherein the inactivated whole *M.tb* has been pre-treated with heat or osmotic pressure prior to inactivation by irradiation.
6. The pharmaceutical composition of any one of claims 1 to 5, further comprising *M.tb* cell lysates.
7. The pharmaceutical composition of any one of claims 1 to 6, further comprising an adjuvant, provided that the adjuvant does not comprise lipids.
8. The pharmaceutical composition of any one of claims 1 to 7, wherein said composition is lyophilized.
9. A package comprising the pharmaceutical composition of any one of claims 1 to 8.
10. A method of vaccinating a human against tuberculosis, the method comprising administering the composition according to any one of claims 1 to 8, to the human by an intranasal or intrapulmonary route.
11. The method of claim 10, wherein at least 90% of the *M.tb* are inactivated.

12. The pharmaceutical composition of any one of claims 1 to 8, wherein the composition does not comprise an adjuvant.
13. The pharmaceutical composition of any one of claims 1 to 8, wherein the immunologically protective dose of *M.tb* is an amount from 0.10 to 1000 micrograms.
14. The pharmaceutical composition of any one of claims 1 to 8, wherein the immunologically protective dose of *M.tb* is an amount from 1 to 300 micrograms.
15. A pharmaceutical composition when used for intranasal or intrapulmonary delivery comprising an immunologically protective dose of inactivated whole *Mycobacterium tuberculosis* (*M.tb*) and a carrier suitable for intranasal or intrapulmonary delivery, wherein the *M.tb* is inactivated by irradiation.
16. The pharmaceutical composition of claim 15, wherein the composition does not comprise an adjuvant.
17. The pharmaceutical composition of claim 15 or 16, wherein the immunologically protective dose of *M.tb* is an amount from 0.10 to 1000 micrograms.
18. The pharmaceutical composition of claim 15 or 16, wherein the immunologically protective dose of *M.tb* is an amount from 1 to 300 micrograms.
19. The pharmaceutical composition of claim 15 or 16, wherein the immunologically protective dose of *M.tb* is an amount from 0.10 to 50 micrograms.
20. A pharmaceutical composition according to any one of claims 1-8, or 12-19, a package according to claim 9, or a method according to claim 10 or 11, substantially as hereinbefore described with reference to the description.