



Notice of opposition to a European patent

EPO - Munich
27

29 April 2014

I. Patent opposed

Patent No.

2161336

Application No.

09013687.0

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

July 31, 2013

Title of the invention

Human monoclonal antibodies to programmed death 1(PD-1) and methods for treating cancer using anti-PD-1 antibodies alone or in combination with other immunotherapeutics

II. Proprietor of the patent

first named in the patent specification

ONO Pharmaceutical Co., Ltd.

Opponent's or representative's reference
(max. 15 keystrokes)

103539OPPOEPT1

III. Opponent

Name

4-Antibody AG

Address

Hochbergerstrasse 60C
4057 Basel
Switzerland

State of residence or of principal place of business

Switzerland

Nationality

Switzerland

Telephone/Fax

Multiple opponents
(see additional sheet)

☐

Zur Kasse
775,- €

IV. Authorisation

1. Representative

(name only one representative or name of association of representatives to whom notification is to be made)

Jones Day

Address of place of business

Prinzregentenstrasse 11
80538 München
Germany

Telephone/Fax

+49 89 20 60 42-200

+49 89 20 60 42-293

Additional representative(s)
on additional sheet/see authorisation

☐

Opponent's reference

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2. Name(s) of employee(s) of the opponent authorised to act in these opposition proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2. ☐ not considered necessary

☐ has/have been registered under No.

☐ is/are enclosed

V. Opposition is filed against

- the patent as a whole

☒

- claim(s) No(s).

VI. Grounds for opposition:

Opposition is based on the following grounds:

- (a) the subject-matter of the European patent opposed is not patentable (Art. 100(a) EPC) because:

- it is not new (Art. 52(1); Art. 54 EPC)

☒

- it does not involve an inventive step (Art. 52(1); Art. 56 EPC)

☒

- patentability is excluded on other grounds, i.e. Article

☐

Art.

- (b) the patent opposed does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Art. 100(b) EPC; see Art. 83 EPC).

☒

- (c) the subject-matter of the patent opposed extends beyond the content of the application/of the earlier application as filed (Art. 100(c) EPC, see Art. 123(2) EPC).

☒

VII. Facts (Rule 76(2)(c) EPC)

presented in support of the opposition are submitted herewith on a separate sheet (annex 1)

☒

VIII. Other requests:

Oral proceedings are requested in the event that the Opposition Division be of the opinion that the opposed patent can be maintained in any form.

Opponent's reference

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IX. Evidence presented

Evidence is enclosed ☒
will be filed at a later date ☐

A. Publications:

1	D1: WO 2006/121168 A1
Particular relevance (page, column, line, fig.):	
2	D2: EP 09013687.0
Particular relevance (page, column, line, fig.):	
3	D3: US 679466 P
Particular relevance (page, column, line, fig.):	
4	D4: US 738434 P
Particular relevance (page, column, line, fig.):	
5	D5: US 748919 P
Particular relevance (page, column, line, fig.):	
6	D6: WO 2004/056875 A1
Particular relevance (page, column, line, fig.):	

Continued on additional sheet ☒

B. Other evidence

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Continued on additional sheet ☒

Opponent's reference	103539OPPOEPT1
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X. Payment of the opposition fee is made

- as indicated in the enclosed voucher for payment of fees and costs (EPO Form 1010) ☒
- via EPO Online Services ☐

XI. List of documents

Enclosure No.

- 0 Form for notice of opposition ☒
- 1 Facts (see VII.) ☒
- 2 Copies of documents presented as evidence (see IX.)
 - a Publications ☒
 - b Other documents ☒
- 3 Signed authorisation(s) (see IV.) ☐
- 4 Voucher for payment of fees and costs (see X.) ☒
- 5 Additional sheet(s) ☒
- 6 Other ☐

Number
of sheets

1

Please specify here:

XII. Signature of opponent or representative

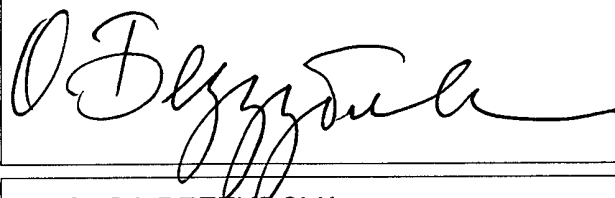
Place

Munich

Date

29 April 2014

Signature



Name (block capitals)

DR OLGA BEZZUBOVA

In case of legal persons, signatory's position
within company

European Patent Attorney

Opponent's reference

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Additional Sheet

- D7:** Bennett et al., J. Immunol. (2003) 170: 711-718
- D8:** Iwai et al., Immunol. Letters (2002) 83: 215-220
- D9:** EP 1537878 A1 by ONO Pharmaceutical Co., Ltd. et al., published as WO 2004/004771 A1 on January 15, 2004.
- D10:** Exhibit 1 "Human anti-PD-1 antibodies: binding to PD-1, cross-competition with 5C4 and affinity to PD-1"
- D11:** Agata et al., Int. Immunol. (1996) 8(5): 765-772
- D12:** EP 1445264 A1 by ONO Pharmaceutical Co., Ltd. et al., published as WO 03/011911 A1 on February 13, 2003
- D13:** Hirano et al., Cancer Res (2005) 65(3): 1089-1096
- D14:** Iwai et al., PNAS (2002) 99(19): 12293-12297
- D15:** EP 1591527 A1 by ONO Pharmaceutical Co., Ltd. et al., published as WO 2004/072286 A1 on August 26, 2004
- D16:** Iwai et al., J Exp. Med. (2003) 198(1): 39-50
- D17:** Carter & Carreno, Immunologic Research (2003) 28 (1): 49-59
- D18:** Blank et al., Cancer Immunol Immunother (2005) 54: 307-314
- D19:** WO 02/078731 A1 by Wyeth, published on October 10, 2002