

Notice of opposition to a European patent

I. Patent opposed

Patent No.

EP2161336

Application No.

EP09013687.0

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

31 July 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

O006244EP

III. Opponent

Name

JANSSEN BIOTECH, INC.

Address:

800/850 Ridgeview Drive
Horsham PA Pennsylvania 19044
United States of America

State of residence or of principal place of business

United States of America

Multiple opponents (see additional sheet)

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IV. Authorisation

1. Representative

Company:

WISE, Mr. Daniel Joseph

Department:

Carpmaels & Ransford LLP
Professional Association No. 182

Address of place of business

One Southampton Row
London WC1B 5HA
United Kingdom

Telephone/Fax

020-7242 8692

020-7405 4166

Multiple representatives (see additional sheet)

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Authorisation(s)

is/are enclosed

☐

has/have been registered under No.

☐

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)

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

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• patentability is excluded on other grounds, namely articles

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(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 an attached document

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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.

IX. Evidence presented

D10	Other evidence	D10 Ansari et al, 2003 original file name: D10 Ansari et al, 2003.pdf attached as: Other-evidence-10.pdf
D11	Other evidence	D11 Iwai et al 2004 original file name: D11 Iwai et al 2004.pdf attached as: Other-evidence-11.pdf
D12	Other evidence	D12 Hirano et al 2005 original file name: D12 Hirano et al 2005.pdf attached as: Other-evidence-12.pdf
D13	Other evidence	D13 original file name: D13.pdf attached as: Other-evidence-13.pdf
D14	Other evidence	D14 EP1537878 original file name: D14 EP1537878.pdf attached as: Other-evidence-14.pdf
D15	Other evidence	D15 EP1591527 original file name: D15 EP1591527.pdf attached as: Other-evidence-15.pdf
D16	Other evidence	D16 Cloeckert et al 1998 original file name: D16 Cloeckert et al 1998.pdf attached as: Other-evidence-16.pdf
D17	Other evidence	D17 WO03099196 original file name: D17 WO03099196.pdf attached as: Other-evidence-17.pdf
D18	Other evidence	D18 Nagler et al 2005 original file name: D18 Nagler et al 2005.pdf attached as: Other-evidence-18.pdf
D19	Other evidence	D19 Berger et al 2008 original file name: D19 Berger et al 2008.pdf attached as: Other-evidence-19.pdf
D20	Other evidence	D20 original file name: D20.pdf attached as: Other-evidence-20.pdf
D5	Other evidence	D5 WO2004056875 original file name: D5 WO2004056875.pdf attached as: Other-evidence-5.pdf
D6	Other evidence	D6 Kavari, S original file name: D6.pdf attached as: Other-evidence-6.pdf
D7	Other evidence	D7 Blank et al 2005 original file name: D7 Blank et al 2005.pdf

attached as: Other-evidence-7.pdf

D8 Other evidence

D8 Zhang et al

original file name: D8 Zhang et al 2004 structure of murine PD-1.pdf

attached as: Other-evidence-8.pdf

D9 Other evidence

D9 Sequence alignments

original file name: D9 sequence alignments.pdf

attached as: Other-evidence-9.pdf

X. Payment

Mode of payment

Debit from deposit account

The European Patent Office is hereby authorised, to debit from the deposit account with the EPO any fees and costs indicated in the fees section below.

Currency:

EUR

Deposit account number:

28050059

Account holder:

CARPMAELS & RANSFORD LLP

Deferred execution date / total amount to be debited on: (or on the date of receipt if the submission date is after the deferred execution date you have indicated)

Important information:

- This functionality allows you to indicate explicitly that your payment order is to be executed at a later date than the submission date. In this case, the payment date will be deemed to be the deferred execution date, provided that you have sufficient funds on your deposit account on that date.
- Please choose the deferred execution date option only if the fees are to be debited on a future date, as otherwise the default execution date is date of receipt.
- The deferred execution date can be a maximum of 40 days in the future.

Refunds

Any refunds should be made to EPO deposit account:

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Fees

	Factor applied	Fee schedule	Amount to be paid
010 Opposition fee	1	775.00	775.00
Total:		EUR	775.00

A Forms

Details:

System file name:

A-1

Form for notice of opposition

ep-oppo.pdf

B Attached document files

Original file name:

System file name:

B-1

1. Facts and arguments

O006244EP Notice of opposition FINAL.pdf OPPO.pdf

C Attached evidence files

Original file name:

System file name:

C-1

1. Other evidence

D5 WO2004056875.pdf

Other-evidence-5.pdf

C-2

2. Other evidence

D6.pdf

Other-evidence-6.pdf

