

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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REC'D 04 JUN 2002
WIPO PCT

Applicant's or agent's file reference 188-112(PCT)	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/05221	International filing date (day/month/year) 21 FEBRUARY 2000	Priority date (day/month/year) NONE
International Patent Classification (IPC) or national classification and IPC IPC(7): A61K 31/445 and US Cl.: 514/ 315, 327		
Applicant CYMAR, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.
- This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 21 SEPTEMBER 2001	Date of completion of this report 30 APRIL 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>Kevin E. Weddington</i> KEVIN E. WEDDINGTON
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/05221

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-10, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

 the claims:

pages 11-13, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

 the drawings:

pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

 the sequence listing part of the description:

pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing: contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5. This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>none</u>	YES
	Claims	<u>1-9</u>	NO
Inventive Step (IS)	Claims	<u>none</u>	YES
	Claims	<u>1-9</u>	NO
Industrial Applicability (IA)	Claims	<u>1-9</u>	YES
	Claims	<u>none</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-9 meet the criteria set out in PCT Article 33(4) as having industrial applicability in the pharmaceutical art.

Claims 1-9 lack novelty under PCT Article 33(2) as being anticipated by Scudi et al.

Scudi et al. teach substituted 1-m-aminophenyl-2-pyridones as well-known anti-convulsants (see column 1, lines 43-47. Clearly the cited reference teaches the instant compounds are used to treat epilepsy. The reference also teaches the instant compounds can be formulated into pharmaceutical compositions.

Claims 1-9 lack an inventive step under PCT Article 33(3) as being obvious over Scudi et al.

Scudi et al. teaches substituted 1-m-aminophenyl-2-pyridones as well-known anti-convulsants as discussed above supra.

The instant invention differs from the cited reference in that the cited reference does not teach the specific dosage administered to the patient. However, to determine a dosage having optimum effectiveness against epilepsy is well within the level of one having ordinary skill in the art, and the artisan would have been motivated to determine an optimum dosage to get the maximum effectiveness of the instant compounds.

----- NEW CITATIONS -----
NONE

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

5. (Some) amendments are considered to go beyond the disclosure as filed:
none