

Notice of opposition to a European patent

I. Patent opposed

Patent No.	EP2604620
Application No.	EP13152340.9
Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)	29 June 2016
Title of the invention	Modified fluorinated nucleoside analogues

II. Proprietor of the patent

first named in the patent specification	Gilead Pharmasset LLC
Opponent's or representative's reference	C000101-MSF

III. Opponent

Name	Medici Senza Frontiere Onlus
Address:	Via Magenta, 5 00185 ROMA Italy
State of residence or of principal place of business	Italy
Multiple opponents (see additional sheet)	<input checked="" type="checkbox"/>

IV. Authorisation

1. Representative

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Multiple representatives (see additional sheet)	<input type="checkbox"/>	

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)

☒

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

☒

• patentability is excluded on other grounds, namely articles

☐

(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

☒

VIII. Other requests:

• Oral proceedings are hereby requested auxiliarily.

IX. Evidence presented

D01	Patent document	WO2005003147 (A2) , 13.01.2005 original file name: D1.pdf attached as: Published-Evidence-1.pdf
D02	Non-patent literature - article	Clark et al., "Design, synthesis and antiviral activity of 2'-deoxy-2'-fluoro-2'-C-methylcytidine, a potent inhibitor of hepatitis C virus replication" Journal of Medicinal Chemistry, Vol. 48, 26 July 2005 original file name: D2.pdf attached as: Published-Evidence-2.pdf
D03	Non-patent literature - article	Perrone et al., "Application of the Phosphoramidate ProTide Approach to 4 ϕ -Azidouridine Confers Sub-micromolar Potency versus Hepatitis C Virus on an Inactive Nucleoside" Journal of Medicinal Chemistry, Vol. 50, 17 March 2007 original file name: D3.pdf attached as: Published-Evidence-3.pdf
D04	Patent document	US60/474368 (A2) original file name: D4.pdf attached as: Published-Evidence-4.pdf
D05	Other evidence	Clark employment agreement original file name: D5.pdf attached as: Other-evidence-1.pdf
D06	Other evidence	Stuyver employment agreement original file name: D6.pdf attached as: Other-evidence-2.pdf
D07	Other evidence	Assent of assignee to correct inventorship original file name: D7.pdf attached as: Other-evidence-3.pdf
D08	Patent document	WO2004002999 (A2) , 08.01.2004 original file name: D8.pdf attached as: Published-Evidence-5.pdf
D09	Patent document	WO0192282 (A2) , 06.12.2001 original file name: D9.pdf attached as: Published-Evidence-6.pdf
D10	Non-patent literature - article	Pankiewicz, "Fluorinated nucleosides" Carbohydrate Research, Vol. 327, 10 July 2000 original file name: D10.pdf attached as: Published-Evidence-7.pdf
D11	Patent document	WO02057425 (A2) , 25.07.2002 original file name: D11.pdf attached as: Published-Evidence-8.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:

28040432

Account holder:

Cabinet Lionel Vial

Refunds

Any refunds should be made to EPO deposit account:

28040432

Account holder:

Cabinet Lionel Vial

Fees

	Factor applied	Fee schedule	Amount to be paid
010 Opposition fee	1	785.00	785.00
Total:		EUR	785.00

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

C000101 - Memorandum MSF.pdf

OPPO.pdf

B-2

1. Any annexes (other than citation) to an opposition letter - <other document>

C000101 - Courier MSF.pdf

OTHER-1.pdf

C Attached evidence files

Original file name:

System file name:

C-1

1. Patent document

D1.pdf

Published-Evidence-1.pdf

C-2

2. Patent document

D4.pdf

Published-Evidence-4.pdf

C-3

3. Patent document

D8.pdf

Published-Evidence-5.pdf

C-4

4. Patent document

D9.pdf

Published-Evidence-6.pdf

C-5

5. Patent document

D11.pdf

Published-Evidence-8.pdf

C-6	1. Non-patent literature - article	D2.pdf	Published-Evidence-2.pdf
C-7	2. Non-patent literature - article	D3.pdf	Published-Evidence-3.pdf
C-8	3. Non-patent literature - article	D10.pdf	Published-Evidence-7.pdf
C-9	1. Other evidence	D5.pdf	Other-evidence-1.pdf
C-10	2. Other evidence	D6.pdf	Other-evidence-2.pdf
C-11	3. Other evidence	D7.pdf	Other-evidence-3.pdf

Signature of opponent or representative

Place **Gif sur Yvette**

Date: **27 March 2017**

Signed by: **Lionel Vial 38964**

Representative name: **Lionel Vial**

Capacity: **(Representative)**

Additional Sheet(s) to Form EP2300E

Opponent's or representative's reference

C000101-MSF

Additional Opponent(s)

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Additional Sheet(s) to Form EP2300E

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