

**To:** Merus N.V. ([jlclark@woodphillips.com](mailto:jlclark@woodphillips.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 79225691 - DOCK & BLOCK - 11137T00050U - Request for Reconsideration Denied - Return to TTAB  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION  
SERIAL NO.** 79225691

**MARK:** DOCK &  
BLOCK

**\*79225691\***

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N.V.

**CORRESPONDENT'S  
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NO:**

11137T00050U

**CORRESPONDENT  
E-MAIL ADDRESS:**

[jlclark@woodphillips.com](mailto:jlclark@woodphillips.com)

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 4/16/2019

**INTERNATIONAL REGISTRATION NO.** 1386289

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reason stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated October 2, 2018, is maintained and continues to be final: SECTION 2(e)(1) PARTIAL REFUSAL. *See* TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement made final in the Office action is satisfied: INDEFINITE IDENTIFICATION OF GOODS. *See* TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issues, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

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Research Watch

## A Bispecific Antibody Targeting HER2 and HER3 Suppresses Tumor Growth

DOI: 10.1158/2159-8290.CD-RW2018-087 Published July 2018 [Check for updates](#)
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- **Major finding:** Unbiased phenotypic combinatorial screening uncovers a bispecific antibody (bAb) targeting HER2 and HER3.
- **Mechanism:** The HER2/HER3-targeted bAb blocks HRG/HER3 signaling through a "dock and block" mechanism.
- **Impact:** This bAb design may allow therapeutic targeting in tumors resistant to monoclonal antibody therapies.



HER2 dimerizes with HER3 to activate PI3K/AKT signaling and promote tumor growth and survival. Resistance to HER2-targeted therapies can occur via upregulation of HER3 or its ligand HRG. These findings support therapeutic approaches aimed at inhibiting HER3 pathway activation, but these strategies have failed to provide meaningful clinical benefit. Geuijen and colleagues sought to identify bispecific antibodies (bAb) that can potently block

PI3K/AKT signaling via HER3. An unbiased phenotypic combinatorial screen of 545 bAbs targeting both HER2 and HER3 identified bAbs that potently inhibited tumor growth. Subsequent humanization and optimization of the top hit yielded PB4188, a bispecific immunoglobulin G1 (IgG1) antibody against HER2 and HER3. PB4188 potently inhibited tumor cell growth, even under high levels of HRG where monoclonal antibodies (mAb) targeting HER2 and HER3 failed to suppress growth. Further, PB4188 inhibited HRG-mediated HER2-HER3 heterodimerization and downstream signaling. *In vivo*, PB4188 inhibited HRG-driven tumor growth in a dose-dependent manner in an *ERBB2* (encoding HER2)-amplified breast cancer xenograft model, whereas the tumors were resistant to the HER2-targeted monoclonal antibody trastuzumab. Similar results were observed in other tumor xenograft and patient-derived xenograft models. PB4188 acted through a "dock and block" mechanism, with the HER2 antigen binding fragment (Fab) of PB4188 docking and saturating HER2 binding sites on tumor cells, thereby increasing the local concentration of HER3 Fab to block HRG binding to HER3 and abolish downstream signaling. These findings indicate that a IgG1-based bAb targeting HER2 and HER3 may be effective in tumors with hyperactive HRG/HER3 signaling even when mAb therapies have failed. Further, bAbs designed with this "dock and block" mode of action may allow for therapeutic targeting of a broad range of targets where clinical activity cannot be achieved using mAbs.

Geuijen CA, De Nardis C, Maussang D, Rovers E, Gallienne T, Hendriks LJ, et al. Unbiased combinatorial screening identifies a bispecific IgG1 that potently inhibits HER3 signaling via HER2-guided ligand blockade. *Cancer Cell* 2018;33:922–36.

### Notes

**Note:** Research Watch is written by Cancer Discovery editorial staff. Readers are encouraged to consult the original articles for full details. For more Research Watch, visit Cancer Discovery online at <http://cancerdiscovery.aacrjournals.org/CDNews>.

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NEWS

**Dock and Block: Scientists Develop Technique That Makes Cells Resistant to HIV**

From amfAR, The Foundation for AIDS Research


April 18, 2017

Scientists at The Scripps Research Institute (TSRI) have discovered a way of creating HIV-resistant cells by using antibodies to block HIV directly on the cell surface. Interestingly, in lab experiments, the resistant cells largely replaced the susceptible cells, potentially leading to long-term HIV protection.

The new technique, which researchers referred to as "a form of cellular vaccination," has an advantage over other therapies in that the antibodies are expressed by the cell and dock on the cell surface rather than float freely throughout the bloodstream. This allows the antibodies to block the specific interaction between HIV and CD4, the primary cell receptor for entry of the virus. However, the antibodies do not block CD4 from performing normal cellular activities.

Scientists initially used the rhinovirus as a model, which is responsible for many cases of the common cold. They used a lentiviral vector to deliver a new gene to cultured human cells. The new gene instructed cells to synthesize antibodies that bind with the human cell receptor that rhinovirus needs.

In a Darwinian "survival of the fittest" lab dish, cells without antibody protection died off, leaving protected cells to survive and multiply, passing on the protective gene to new cells.



Study senior author Dr. Richard Lerner (Credit: Kevin Fung, courtesy of amfAR)

Researchers then tried the technique against HIV. The scientists aimed to protect immune cells normally killed by HIV. Using the same technique to discover antibodies that would specifically block the HIV-CD4 interaction, scientists engineered immune cells to express the antibody gene. The researchers found that even after attempted infections in a petri dish, the cells were resistant to HIV.

The researchers, led by study senior author Dr. Richard Lerner, Lita Annenberg Hazen Professor of Immunochimistry at TSRI, plan to collaborate with investigators at City of Hope's Center for Gene Therapy in Los Angeles to evaluate the new therapy before testing in patients. City of Hope currently has active clinical trials of using gene therapy and blood stem cell transplantation to cure HIV.

**The ultimate goal will be the control of HIV in patients with AIDS without the need for other medications.**

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"The ultimate goal will be the control of HIV in patients with AIDS without the need for other medications," said Dr. John Zaia, director of the Center for Gene Therapy in the Hematological Malignancy and Stem Cell Transplantation Institute at City of Hope.

Commenting on the study for the *San Diego Union-Tribune*, amfAR's associate director of research Dr. Marcella Flores said the "dock and block" technique described by these researchers holds promise as an alternative to stem cell transplantation. But she said more study is required before patient trials can commence.

The findings were published April 12 in *Proceedings of the National Academy of Sciences*.

Read the full press release here.

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Fighting Cancer

Oncotherapy research at Bayer is committed to improving the lives of cancer patients. Bayer's researchers are working together with external partners to develop new therapeutic approaches to this disease.

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This incident my best friend was told her mother had died is one I'll never forget. We were at school together at the time," remembers Dr. Rafael Carstensen. Rafael and Francisco were the brothers. They lived close to each other in the same neighborhood in Granada, Spain, played soccer in the street and spent the summers together with their parents, either living in the Sierra Nevada or on the beach at La Herradura. But then Rafael experienced how his best friend's secret husband and cheerful mother suffered the side effects of chemotherapy and radiation therapy before dying - much too young - of breast cancer. "That hit me really hard and was one of the reasons why I decided to devote my life to fighting cancer - so that other people would be spared this fate," says the Bayer researcher.

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**"We develop therapies that enable the patient's body to detect cancer cells and then defeat them itself."**

Dr. Rafael Carstensen, cancer researcher at Bayer

Carstensen is now 34, a molecular biologist and scientific manager of a laboratory run jointly by Bayer and the German Cancer Research Center (DKFZ). Its employees on the sixth floor of the DKFZ's new and old building in Heidelberg, Germany, are conducting research to determine how the body's own immune system can be reactivated to combat tumor cells. The approach was also the subject of Carstensen's PhD at the Hospital Universitario Virgen de las Huelvas in Granada. The battle against cancer has been the common thread through his life. "We want to develop therapies that enable the patient's body to detect cancer cells and then fight them itself without harming healthy cells at the same time," he explains.

What's special about the laboratory in Heidelberg is that scientists from both Bayer and the DKFZ work side by side. "This allows us to pick up on novel research findings as early as possible so that they can be channelled into drug development," explains Dr. Ruth Wiedenmayer, alliance manager at the DKFZ. "Research issues have become so complex that no one scientist alone is able to resolve them. Our scientists identify potential new drug targets, and Bayer has extensive libraries of substances and antibodies. The two parties' respective experiences complement each other ideally, which enables us to reach our objective more quickly."

Here is a video of two of Bayer's Heidelberg-based cancer researchers.

The joint laboratory is one aspect of a partnership that has been in existence since 2009. Wiedenmayer was involved in developing the framework for the collaboration. "This is an alliance between equals. We created all the structural and legal issues right at the beginning, so when we identify a new target we can move straight on to searching for suitable active ingredients. This partnership has already been successful: the first active ingredient to treat brain tumors and leukemia has been undergoing clinical testing in patients for several months now. The substance recognizes proteins that are found only in cancer cells in a subset of patients, an approach that could enable the development of effective, patient-specific therapies.

**Alliance Manager at the German Cancer Research Center (DKFZ)**  
Dr. Ruth Wiedenmayer greatly appreciates the collaboration with the scientists at Bayer. "It allows us to pick up on research findings as early as possible so that they can be channelled into drug development."

"We are working to develop innovative treatments for patients with serious diseases, such as cancer in order to extend their lives and improve their quality of life," says Professor Andreas Busch, member of the Executive Committee of Bayer's Pharmaceuticals Division and head of Drug Discovery. "Our particular strength at Bayer is that we have strong expertise in identifying active ingredients and taking them through all phases of clinical development up to and including drug approval, for the benefit of the patients."

In the battle against cancer, Bayer is pursuing three main approaches: **blocking** signaling pathways that lead to uncontrolled cell division, **reactivating** **defective** molecules onto cancer cells to trigger their targeted destruction, and reactivating the immune system to eliminate cancer cells itself. This latter approach is the focus of the research by Carstensen and his colleagues. "Our understanding of cancer is constantly improving, but there are still plenty of unanswered questions," says Carstensen, before turning his attention to the next test findings from the laboratory. "Our goal is to make cancer curable so that we can transform it into a chronic disease by providing therapeutics that keep tumor cells in check."

Areas of Oncology Research at Bayer

Antibody-drug conjugates

Certain proteins occur more frequently on the surface of cancer cells than in healthy cells. Bayer researchers are developing molecules called antibody-drug conjugates which recognize these proteins. Like a Trojan horse, they **bind** onto the cancer cells and destroy them with a cell toxin. Antibody-thermostable conjugates work in a similar way and target radiolabelled isotopes (224) to the cancer cells. The resulting energy-rich alpha particles destroy the cancer cells. By using different antibodies, conjugates can be developed for various tumor types.

**Blocking** oncogenic signaling pathways in specific tumor types

The multiplication of cancer cells is to be halted by intervening in their key molecular processes. One approach aims to **block** the signaling pathways which prevent cancer cell death and often result in metastases, while another approach seeks to exploit the differences in the metabolic activity of tumor cells. A third approach is investigating cancer stem cells that may result in the development of resistance and metastases and the failure of chemotherapy and radiation therapy. And a further approach is focused on the epigenetic changes which play a role in malignant cancers. Bayer scientists are working to understand these processes better so they can reverse harmful modifications in diseased cells.

Immunoo-oncology

Every day, cancer cells are formed in the human body. Because of a genetic predisposition or as a result of exposure to cigarette smoke, UV radiation or other environmental influences, they are usually eliminated by the immune system's cells. In certain cases, however, they can evade the immune response and become a harmful factor. Bayer researchers are working mainly in collaboration with scientists from the DKFZ on approaches leading to a reactivation of the immune system to eliminate the tumor cells without affecting healthy non-tumoral cells. The immune system's memory function may result in long-term therapeutic success.

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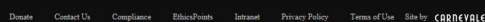
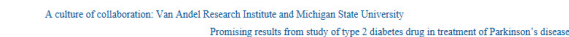
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