

**From:** Chris Walsh

**Sent:** Wednesday, April 09, 2008 7:44 PM

**To:** Markush-irfa.comments; Markush.Comments

**Subject:** Comments on proposed rule and IRFA for Examination of Patent Applications That Include Claims Containing Alternative Language

Sir or Madam:

Attached please find comments from Genentech, Inc. and Curis, Inc. on the IRFA and NPRM entitled "Examination of Patent Applications That Include Claims Containing Alternative Language."

Respectfully submitted,

Genentech, Inc.

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April 9, 2008

**By electronic mail – [markush-irfa.comments@uspto.gov](mailto:markush-irfa.comments@uspto.gov)**

Attn: Kathleen Kahler Fonda  
U.S. Patent and Trademark Office

Re: Initial Regulatory Flexibility Analysis for Proposed Rules Entitled  
*“Examination of Patent Applications That Include Claims Containing  
Alternative Language,”* 73 Fed. Reg. 12679 (March 10, 2008)

Dear Ms. Fonda:

Genentech and Curis welcome the opportunity to comment jointly on the above-captioned Initial Regulatory Flexibility Analysis (“IRFA”). We also update earlier filed comments on the above-captioned Notice for the proposed rules.

The Genentech-Curis collaboration brings life-saving cancer medicines to patients and would not be possible without strong, affordable patent protection. Genentech is a leading biotechnology company that seeks strategic relationships with innovative small entities.<sup>1</sup> Curis is a highly innovative company seeking to leverage its drug discovery efforts through strategic partnerships.<sup>2</sup> The Genentech-Curis collaboration was formed by licensing strategic patent rights covering potential medicines for treating life-threatening cancers.<sup>3</sup> The collaboration has resulted in clinical trials of a potential first-and best-in-class drug for the treatment of patients suffering from a variety of cancers.<sup>4</sup> The Genentech-Curis collaboration is a leading example of a collaboration that is founded upon affordable patent protection for innovative small molecule medicines.

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<sup>1</sup> Genentech is among the world’s leading biotechnology companies and invests over 20% of operating revenues in research and development, with over 100 programs in the pipeline. See <http://www.gene.com/gene/pipeline/status/>.

<sup>2</sup> Curis focuses its innovative drug development program on important medical fields with substantial unmet therapeutic needs. See [http://www.curis.com/our\\_science.php](http://www.curis.com/our_science.php).

<sup>3</sup> Daniel S. Levine, *Genentech, Curis team up on cancer drugs*, SAN FRANCISCO BUS. TIMES, Apr. 4, 2005, available at <http://www.bizjournals.com/sanfrancisco/stories/2005/04/04/daily5.html>.

<sup>4</sup> *Genentech, Curis move cancer drug toward Phase 2 trials*, EAST BAY BUS. TIMES, Mar. 14, 2008, available at [http://www.bizjournals.com/eastbay/stories/2008/03/10/daily80.html?ana=from\\_rss](http://www.bizjournals.com/eastbay/stories/2008/03/10/daily80.html?ana=from_rss).











