APPENDIX A USPTO's Lax Policy Leads to Humira Formulation Thicket

Table A I

US and EU Formulation Patents

	US Patents	EU Patents
I	US8802100B2	EP2359856B1
2	US8911741B2	EP1528933B1
3	US9272042B2	
4	US9732152B2	
5	US8916157B2	
6	US9738714B2	
7	US9750808B2	
8	US8802102B2	
9	US9295725B2	
10	US8916158B2	
11	US9220781B2	
12	US8940305B2	
13	US8216583B2	
14	US8795670B2	
15	US9272041B2	
16	US8802101B2	
17	US9302011B2	
18	US8932591B2	
19	US9289497B2	
20	US9327032B2	
21	US9114166B2	
22	US9950066B2	

Table A2

Independent Claims from EU Humira Formulation Patents

Publication Number	Independent Claims	Antibody	Buffers	Stabilizers	Surfactants	Salt	pН
EP2359856B1	1. A liquid aqueous pharmaceutical formulation for injection in the form of a 0.8 mL solution comprising: a) 40.0 mg the anti-human Tumor Necrosis Factor alpha antibody D2E7 b) 9.6 mg mannitol c) 1.044 mg citric acid monohydrate d) 0.244 mg sodium citrate e) 1.224 mg disodium phosphate dihydrate f) 0.688 mg sodium dihydrogen phosphate dihydrate g) 4.932 mg sodium chloride h) 0.8 mg polysorbate 80 i) 759.028 - 759.048 mg water j) 0.02 - 0.04 mg sodium hydroxide, which gives a total of 817.6 mg per 0.8 ml solution.	40 mg adalimumab	1.044 mg citric acid monohydrate 0.244 mg sodium citrate 1.224 mg disodium phosphate dihydrate 0.688 mg sodium dihydrogen phosphate dihydrate	9.6 mg mannitol	0.8 mg polysorbate 80	4.932 mg sodium chloride	
EP1528933B1	 A liquid aqueous pharmaceutical formulation having a pH of 4 to 8 and comprising (a) 20 to 130 mg/ml of a human lgG1 anti-Tumor Necrosis Factor alpha (TNFα) antibody comprising a light chain variable region comprising the amino acid sequence of SEQ ID NO: 1 and a heavy chain variable region comprising the amino acid sequence of SEQ ID NO: 2, (b) 10-14 mg/ ml of mannitol, (c) 0.1-5 mg/ml of polysorbate 80, (d) 1-1.5 mg/ml of citric acid monohydrate, (e) 0.25-0.5 mg/ ml of sodium citrate, (f) 1.25-1.75 mg/ml of disodium phosphate dihydrate, (g) 0.7-1.1 mg/ml of sodium dihydrogen phosphate dihydrate, and (h) 6.0-6.4 mg/ml sodium chloride. Use of the formulation of claims 1 to 4 in the preparation of a medicament for treating a disorder in which TNFα activity is detrimental. 	20 to 130 mg/ ml adalimumab	I-1.5 mg/ml of citric acid monohydrate 0.25-0.5 mg/ml of sodium citrate I.25-1.75 mg/ml of disodium phosphate dihydrate 0.7-1.1 mg/ml of sodium dihydrogen phosphate dihydrate	10-14 mg/ml of mannitol	0.1-5 mg/ml of polysorbate 80	6.0-6.4 mg/ml sodium chloride	pH 4 to 8

Table A3

Independent Claims from US Humira Formulation Patents

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	рН
US8802100B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 45 to 150 mg/ml,(b) a polyol,(c) a polysorbate at a concentration of 0.1 to 10 mg/ml, and(d) a buffer system having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	45 to 150 adalimumab	Any buffer system	A polyol	0.1 to 10 mg/ml of a polysorbate		pH of 4.5 to 7.0
	19.A stable liquid aqueous pharmaceutical formulation comprising(a) 45-105 mg/ml of a human lgG1 anti-human Tumor Necrosis Factor alpha (hTNFα) antibody,(b) a polyol,(c) 0.1-10 mg/ml of polysorbate 80, and(d) a buffer system having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.						
US8911741B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 20 to 150 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising phosphate and having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	20 to 150 mg/ml adalimumab	Phosphate	A polyol	A polysorbate		рН 4 to 8
	22.A stable liquid aqueous pharmaceutical formulation comprising(a) 20 to 150 mg/ml of a human IgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody,(b) a polyol,(c) polysorbate 80, and(d) a buffer system comprising phosphate and having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.						
US9272042B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising phosphate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Phosphate	A polyol	A polysorbate		pH 4 to 8
US9732152B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 45-105 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising histidine and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	45-105 mg/ml adalimumab	Histidine	A polyol	A polysorbate		pH 4 to 8

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	pН
US8916157B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 20 to 150 mg/ml,(b) a tonicity agent,(c) a surfactant, and(d) a buffer system having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	20 to 150 mg/ml adalimumab	A buffer system		A surfactant	A tonicity agent	pH 4 to 8
	24.A stable liquid aqueous pharmaceutical formulation comprising(a) 20 to 150 mg/ml of a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody,(b) a tonicity agent,(c) a polysorbate, and(d) a buffer system having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.						
US9738714B2	1.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 45-105 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising succinate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	45-105 mg/ml adalimumab	Succinate	A polyol	A polysorbate		pH 4 to 8
US9750808B2	I.A stable liquid aqueous pharmaceutical formulation comprising: a human anti- human Tumor Necrosis Factor alpha (TNF α) IgGI antibody at a concentration of 45 to 105 mg/ml, wherein the antibody is D2E7, and a buffer system; wherein the formulation is isotonic, suitable for single-use subcutaneous injection, and has a pH of 4 to 8.	45 to 105 mg/ml adalimumab	A buffer system			The for- mulation is isotonic	pH 4 to 8
U\$8802102B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 45 to 105 mg/ml,(b) a polyol,(c) a polysorbate at a concentration of 0.1 to 10 mg/ml, and(d) a buffer system comprising succinate and having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	45 to 105 mg/ml adalimumab	Succinate	A polyol	0.1 to 10 mg/ml of a polysorbate		pH of 4.5 to 7.0
	21.A stable liquid aqueous pharmaceutical formulation comprising(a) 45 to 105 mg/ml of a human IgGI anti-human Tumor Necrosis Factor alpha (hTNF α) antibody,(b) trehalose,(c) 0.1-10 mg/ml of polysorbate 80, and(d) a buffer system comprising succinate and having a pH of 4.5 to 7.0, wherein the antibody com- prises the light chain variable region and the heavy chain variable region of D2E7.						
US9295725B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising succinate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Succinate	A polyol	A poly- sorbate		рН 4 to 8

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	рН
US8916158B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 20 to 150 mg/ml,(b) a polyol,(c) a surfactant, and(d) a buffer system having a pH of 4 to 8, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	20 to 150 mg/ml adalimumab	A buffer system	A polyol	A surfactant		pH 4 to 8
U\$9220781B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising an organic acid and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	A buffer system compris- ing an organic acid	A polyol	A poly- sorbate		pH 4 to 8
U\$8940305B2	1.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen- binding portion thereof, at a concentration of 20 to 150 mg/ml,(b) a polyol,(c) a surfactant, and(d) a buffer system comprising gluconate and having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7. 22.A stable liquid aqueous pharmaceutical formulation comprising(a) 20 to 150 mg/ml of a human lgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising gluco-nate and having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region and the heavy comprises the light chain the antibody (b) a polyol,(c) a polysorbate, and(d) a buffer system comprising gluco-nate and having a pH of 4.0 to 8.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	20 to 150 mg/ml adalimumab	Gluconate	A polyol	A surfactant		pH 4 to 8

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	рН
US8216583B2	1.A stable liquid aqueous pharmaceutical formulation comprising a human anti- Tumor Necrosis Factor alpha (TNF α) antibody, or antigen-binding fragment thereof, at a concentration of between about 20 and about 150 mg/ml, a polyol, a surfactant, and a buffer system comprising citrate and phosphate, wherein said formulation has a pH of about 4 to about 8, and wherein the antibody, or antigen-binding por- tion thereof, comprises a light chain variable region comprising a complementary determining region (CDR) 1 domain comprising the amino acid sequence set forth in SEQ ID NO:7; a CDR2 domain comprising the amino acid sequence set forth in SEQ ID NO:7; a CDR2 domain comprising the amino acid sequence set forth in SEQ ID NO:7; a CDR2 domain comprising the amino acid sequence set forth in SEQ ID NO:7; a C, or 8, or by one to five conservative amino acid substitutions at po- sitions 1, 4, 5, 7, or 8, or by one to five conservative amino acid substitutions at po- sitions 1, 3, 4, 6, 7, 8, and/or 9; and comprises a heavy chain variable region compris- ing a CDR 1 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:4, or modified from SEQ ID NO: 4 by a single alanine substitution at position 2, 3, 4, 5, 6, 8, 9, 10, or 11, or by one to five conservative amino acid substitutions at positions 2, 3, 4, 5, 6, 8, 9, 10, 11, and/or 12. 11.A liquid aqueous pharmaceutical formulation comprising(a) about 20 to about 150 mg/ml of a human anti-Tumor Necrosis Factor alpha (TNF α) antibody, or anti- gen-binding portion thereof; (b) 5-20 mg/ml of mannitol, (c) 0, 1-10 mg/ml of polysor- bate-80, and(d) a buffer system comprising citrate and phosphate, with a pH of 4 to 8, wherein the antibody, or antigen-binding portion thereof, comprises a light chain variable region comprising a complementary determining region (CDR) 1 domain comprising the amino acid sequence se	about 20 and about 150 mg/ml adalimumab	Citrate Phosphate	A polyol	A surfactant		

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	pН
US8795670B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 45 to 105 mg/ml,(b) a polyol,(c) a polysorbate at a concentration of 0.1 to 10 mg/ml, and(d) a buffer system comprising histidine and having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	45 to 105 mg/ml adalimumab	Histidine	A polyol	0.1 to 10 mg/ml of a polsorbate		pH 4.5 to 7
	7.A stable liquid aqueous pharmaceutical formulation comprising(a) 45 to 105 mg/ml of a human lgG1 anti-human Tumor Necrosis Factor alpha (hTNF α) antibody,(b) a polyol,(c) 0.1-10 mg/ml of polysorbate 80, and(d) a buffer system comprising histidine and having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.						
US9272041B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising acetate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Acetate	A polyol	A polysorbate		рН 4 to 8
US8802101B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody, or an antigen-binding portion thereof, at a concentration of 45 to 105 mg/ml,(b) a polyol,(c) a polysorbate at a concentration of 0.1 to 10 mg/ml, and(d) a buffer system comprising acetate and having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.	45 to 105 mg/ml adalimumab	Acetate	A polyol	0.1 to 10 mg/ml of a polsorbate		pH 4.5 to 7
	21.A stable liquid aqueous pharmaceutical formulation comprising(a) 45 to 105 mg/ml of a human lgGI anti-human Tumor Necrosis Factor alpha (hTNF α) antibody,(b) trehalose,(c) 0.1-10 mg/ml of polysorbate 80, and(d) a buffer system comprising acetate and having a pH of 4.5 to 7.0, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7.						
U\$9302011B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) 50 mg/ml of a human IgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody, wherein the antibody comprises a light chain variable region comprising the amino acid sequence of SEQ ID NO:1 and a heavy chain variable region comprising the amino acid sequence of SEQ ID NO:2;(b) a polyol;(c) a polysorbate; and(d) a buffer system comprising an organic acid; wherein the formulation has a pH of 4 to 8, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	A buffer system compris- ing an organic acid	A polyol	A polysorbate		pH 4 to 8

Publication							
Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	pН
US8932591B2	1.A liquid aqueous pharmaceutical formulation having a pH of about 4.5 to about 6, comprising an isolated human IgG1 anti-human Tumor Necrosis Factor alpha (hTNFα) antibody, or an antigen-binding portion thereof, at a concentration of 35-115 mg/ml, a polyol, a surfactant, and a buffer system comprising citrate and phosphate, wherein the antibody, or antigen-binding portion thereof, comprises a light chain variable region comprising a CDR1 domain comprising the amino acid sequence set forth in SEQ ID NO:7; a CDR2 domain comprising the amino acid sequence set forth in SEQ ID NO:3; and a heavy chain variable region comprising the amino acid sequence set forth in SEQ ID NO:3; and a keavy chain variable region comprising the amino acid sequence set forth in SEQ ID NO:3; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:3; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:6; and a CDR3 domain comprising the amino acid sequence set forth in SEQ ID NO:4.	35-115 mg/ml adalimumab	Citrate Phosphate	A polyol	A surfactant		pH 4.5 to 6
	sequence of SEQ ID NO: 2. 25.A liquid aqueous pharmaceutical formulation having a pH of about 4.5 to about 6, comprising an isolated human lgGI anti-human Tumor Necrosis Factor alpha (hTNFα) antibody, or an antigen-binding portion thereof, at a concentration of 35-115 mg/ml, a polyol, a surfactant, and a buffer system comprising citrate and phosphate, wherein the antibody, or antigen-binding portion thereof, comprises a light chain variable region comprising the light chain complementarity determin- ing region (CDR) 1, CDR2, and CDR3 of D2E7; and a heavy chain variable region comprising the heavy chain CDR1, CDR2, and CDR3 of D2E7.						

Publication Number	Independent Claims	Antibody	Buffer	Stabilizer	Surfactant	Salt	рН
US8932591B2	 34.A liquid aqueous pharmaceutical formulation comprising(a) 35-115 mg/ml of an isolated human lgGI anti-human Tumor Necrosis Factor alpha (hTNFα) antibody, or an antigen-binding portion thereof,(b) 5-20 mg/ml of mannitol,(c) 0.1-10 mg/ml of polysorbate-80, and(d) a buffer system comprising citrate and phosphate, with a pH of 4.5 to 6.0, wherein the antibody, or antigen-binding portion thereof, comprises a light chain variable region comprising the light chain complementarity determining region (CDR) 1, CDR2, and CDR3 of D2E7; and a heavy chain variable region comprising the heavy chain CDR1, CDR2, and CDR3 of D2E7. 41.A liquid pharmaceutical formulation having a pH of about 4 to about 8, comprising an isolated human IgGI anti-human Tumor Necrosis Factor alpha (hTNFα) 	35-115 mg/ml adalimumab	Citrate Phosphate	A polyol	A surfactant		pH 4.5 to 6
	antibody at a concentration of 35-115 mg/ml, a sugar alcohol, a polysorbate, and a buffer system comprising citrate and phosphate, wherein the antibody comprises the light and heavy chain variable regions of D2E7.						
US9289497B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and (d) a buffer system comprising gluconate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Gluconate	A polyol	A polysorbate		pH 4 to 8
US9327032B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human lgGI anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising histidine and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Histidine	A polyol	A polysorbate		pH 4 to 8
US9114166B2	I.A stable liquid aqueous pharmaceutical formulation comprising: a human anti- human Tumor Necrosis Factor alpha (TNF α) IgGI antibody at a concentration of 50 mg/ml, wherein the antibody comprises the light chain variable region and the heavy chain variable region of D2E7, and a buffer system; wherein the formulation is isotonic, suitable for single-use subcutaneous injection, and has a pH of 4.0 to 8.0.	50 mg/ml adalimumab	Buffer system			The for- mulation is isotonic	pH 4 to 8
US9950066B2	I.A stable liquid aqueous pharmaceutical formulation comprising(a) a human IgG I anti-human Tumor Necrosis Factor alpha (TNF α) antibody at a concentration of 50 mg/ml,(b) a polyol,(c) a polysorbate, and(d) a buffer system comprising citrate and phosphate and having a pH of 4 to 8, wherein the antibody is D2E7, and wherein the formulation is suitable for subcutaneous injection.	50 mg/ml adalimumab	Phos- phate Citrate	A polyol	A polysorbate		pH 4 to 8