Exhibit 5

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.



US007622443B2

(12) United States Patent

Anderson et al.

- (54) METHOD FOR INHIBITING PRO-ANGIOGENIC ACTIVITIES OF ENDOTHELIAL CELLS SELECTIVELY AT A SITE OF NEOANGIOGENESIS IN A MAMMAL BY ADMINISTRATION OF THE EXTRACELLULAR DOMAIN OF D1-1 POLYPEPTIDES
- (75) Inventors: David J. Anderson, Altadena, CA (US);
 Hai U. Wang, Folsom, CA (US);
 Donghun Shin, Pasadena, CA (US)
- (73) Assignee: California Institute of Technology, Pasadena, CA (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 55 days.

This patent is subject to a terminal disclaimer.

- (21) Appl. No.: 11/437,755
- (22) Filed: May 18, 2006

(65) **Prior Publication Data**

US 2007/0082000 A1 Apr. 12, 2007

Related U.S. Application Data

- (63) Continuation-in-part of application No. 10/424,986, filed on Apr. 28, 2003, now Pat. No. 7,538,088.
- (60) Provisional application No. 60/375,904, filed on Apr. 26, 2002, provisional application No. 60/682,542, filed on May 18, 2005.
- (51) Int. Cl. *A61K 38/17*

DOCKF

- A61K 38/17
 (2006.01)

 C07K 14/47
 (2006.01)

 C07K 14/515
 (2006.01)
- (52) U.S. Cl. 514/12; 530/300; 530/324

Human D1-1 Polypeptides

A. Full-length sequence (SEQ ID NO:10)

MGTAGAMOLCWVILGPLLFRGHNSOPTMTOTSSSOGGLGLSLTTEPV9S NPCYIPSSEANRPSHLSSTGTFGAGVPSSGRDGGTSRDTFGTVPPNSTIM 100 SLSMREDATILPSPTSETVLTVAAFGVISFIVILVVVVIILVGVVSLRFK 150 CRKSKESEDPQKPGSSGLSESCSTANGEKDSITLISMKNINMNNGKQSLS 200 AEVUL 205

B. Extracellular portion (SEQ ID NO:11)

QPTMTQTSSSQGGLGGLSLTTEPVSSNPGYIPSSEANRPSHLSSTGTPGA GVPSSGRDGGTSRDTFQTVPPNSTTMSLSMREDATILPSPTSETVLT

C. Conserved portion (SEQ ID NO:12)

VAAFGVISFIVILVVVVIILVGVVSLRFKCRKSKESEDPQKPGSSGLSES

(10) Patent No.: US 7,622,443 B2

(45) **Date of Patent:** *Nov. 24, 2009

- (58) **Field of Classification Search** None See application file for complete search history.
- (56) **References Cited**

U.S. PATENT DOCUMENTS

2004/0120955 A1* 6/2004 Anderson et al. 424/146.1

FOREIGN PATENT DOCUMENTS

EP	0561172 A1	9/1993
EP	0682113 A2	11/1995
WO	WO-00/55173 A1	9/2000
WO	WO-00/61623 A1	10/2000
WO	WO-01/57190 A2	8/2001
WO	WO-01/77289 A2	10/2001
WO	WO-02/079492 A2	10/2002

OTHER PUBLICATIONS

Delisser et al., "Platelet Endothelial Cell Adhesion Molecule (CD31)," *Current Topics In Microbiology and Immunology* 184:37-45(1993).

Marra et al., Accession No. AA267694 (Mar. 21, 1997).

(Continued)

Primary Examiner—Bridget E Bunner Assistant Examiner—Zachary C Howard (74) Attorney, Agent, or Firm—McCarter & English, LLP

(57) **ABSTRACT**

The disclosure provides, among other things, novel angiogenesis-related nucleic acids, polypeptides and methods of use.

5 Claims, 17 Drawing Sheets

Find authenticated court documents without watermarks at docketalarm.com.

OTHER PUBLICATIONS

Osborn et al., "Direct Expression Cloning of Vascular Cell Adhesion Molecule1, A Cytokine-Induced Endothelial Protein That Binds to Lymphocytes," *Cell* 59:1203-1211(1989).

Genbank ref. No. XM_148854.

Genbank ref No. XP_148854.

Bork and Bairoch, 1996, Go hunting in sequence databases but watch out for the traps, Trends in Genet. 12(10):425427.

Bork, 2000, Powers and Pitfalls in Sequence Analysis: The 70% Hurdle, Genome Res. 10:398-400.

Brenner, 1999, Errors in genome annotation, Trends in Genet. 15:132-133.

Doerks, 1998, Protein annotation: detective work for function prediction, Trends in Genet. 14(6):248-250.

Ngo et al., 1995, The Protein Folding Problem and Tertiary Structure Prediction, Chapter 14: Computational Complexity Protein Structure Prediction, and the Levinthal Paradox, pp. 492-495.

Skolnick and Fetrow, 2000, From genes to protein structure and function: novel applications of computational approached in the genomic era, Trends in Genet. 18:34-39.

Smith and Zhang, 1997, The challenges of genome sequence annotation of "The devil is in the details," Nature Biotech. 15:1222-1223. Staton et al., 2004, Current methods for assaying angiogenesis in vitro and in vivo, Int. J. Exp. Path. 85:233-248.

Wells, 1990, Additivity of Mutational Effects in Proteins, Biochem. 29(37):8509-8517.

Antikainen et al., "Altering protein specificity: techniques and applicaitons," *Bioorganic & Medicinal Chemistry*, 13:2701-2716 (2005).

Armstrong, et al., "ECSM2, An Endothelial Specific Filamin A Binding Protein That Mediates Chemotaxis," *Arterioscler Thromb Vasc Biol*, 28:1-7 (2008).

Auerbach, et al. "Angiogenisis Assays: A Critical Overview," *Clinical Chemistry*, 49(1):32-40 (2003).

Ferrer-Costa, et al., "Characterization of Compensated Mutations in Terms of Structural and Physico-Chemical Properties," *J. Mol. Biol.*, 365:249-256 (2007).

Ponce et al., "The Chick Chorioallantoic Membrane as an In Vivo Angiogenesis Model," *Current Protocols in Cell Biology*, Supplement 18:19.5.1-19.5.6 (2003).

Genbank ref. No. XM_148854, Date: May 17, 2002.

Genbank ref No. XP_148854, Date: May 17, 2002.

* cited by examiner

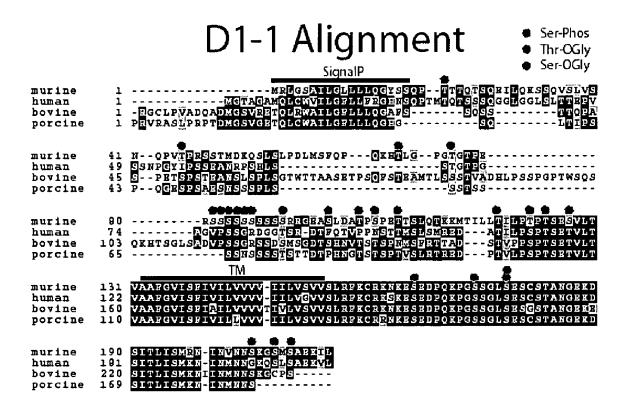


Figure 1

DOCKET LARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

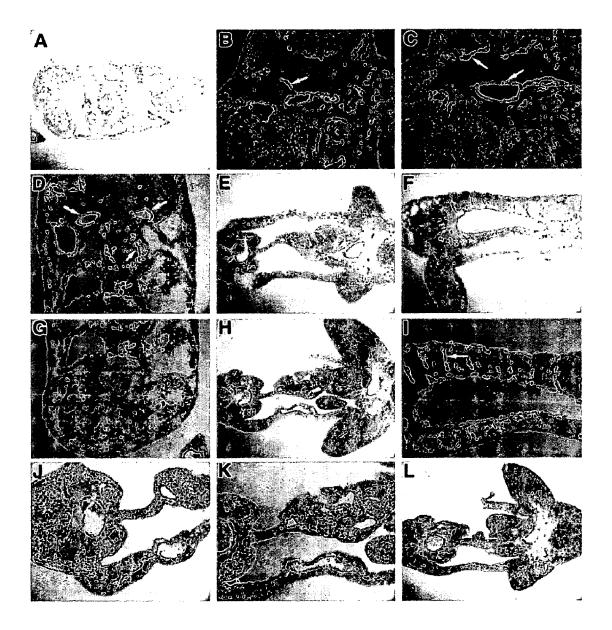


Figure 2

DOCKET A L A R M



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.