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For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

51093 A3

(54) Title: METHODS OF INCREASING THE GLUCOSE RESPONSIVENESS OF PANCREATIC  $\beta$ -CELLS

(57) Abstract: The instant invention involves methods of increasing the glucose responsiveness of pancreatic  $\beta$ -cells by providing a source of a glucoincretin. Also provided are methods of treating a disorder characterized by impaired  $\beta$ -cell function by providing a population of  $\beta$ -cells and a source of a glucoincretin. Additionally, the invention pertains to a population of purified  $\beta$ -cells and a kit for use in the treatment of a disorder characterized by impaired function.

Int Intional Application No PCT/US 01/00537

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A61K48/00 A61K38/26

A61K48/UU A61K31/522 A61K38/26 A61P5/48 C12N5/10 A61K31/52 C12N5/08

A61K35/39

According to International Patent Classification (IPC) or to both national classification and IPC

#### B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC 7-C12N-A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

BIOSIS, EPO-Internal, WPI Data, MEDLINE

<del></del>		
Category <sup>v</sup>	Cilation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	THORENS BERNARD ET AL: "Glucagon-like peptide-I and the control of insulin secretion in the normal state and in NIDDM." DIABETES, vol. 42, no. 9, 1993, pages 1219-1225, XP001015666 ISSN: 0012-1797 abstract page 1219, column 2, paragraph 2 page 1220, column 2, paragraph 4 -page 1221, column 1, paragraph 1 page 1221, column 2, paragraph 3 -page 1222, column 1, paragraph 2 page 1223, column 2, paragraph 3 -page 1224, column 1, paragraph 1	1,4,6-8

X Further documents are listed in the continuation of box C.	Patent family members are listed in annex.
Special categories of cited documents:      A¹ document defining the general state of the art which is not considered to be of particular relevance      E¹ earlier document but published on or after the international filing date      L¹ document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)      *O¹ document referring to an oral disclosure, use, exhibition or other means      *P¹ document published prior to the international filing date but later than the priority date claimed	<ul> <li>*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</li> <li>*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</li> <li>*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</li> <li>*&amp;* document member of the same patent family</li> </ul>
Date of the actual completion of the international search  14 August 2001	Date of mailing of the international search report  22/08/2001
Name and mailing address of the ISA  European Patent Office, P.B. 5818 Patentlaan 2  NL – 2280 HV Rijswijk  Tel. (+31-70) 340-2040. Tx. 31 651 epo nl.  Fax: (+31-70) 340-3016	Authorized officer

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0.70	ASSENT DOCUMENTS CONCIDENTS TO BE DELEVANT	1
Category *	ation) DOCUMENTS CONSIDERED TO BE RELEVANT  Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
Odlegory	Oldfort of document, with indication, where appropriate, of the relevant passages	i da
X	DACHICOURT N ET AL: "Decreased glucose-induced cAMP and insulin release in islets of diabetic rats: Reversal by IBMX, glucagon, GIP."  AMERICAN JOURNAL OF PHYSIOLOGY, vol. 271, no. 4 PART 1, 1996, pages E725-E732, XP001015623 ISSN: 0002-9513 abstract page E725, column 1, paragraph 2 -column 2, paragraph 1 page E727, column 1, paragraph 3 -page E728, column 1, paragraph 1 page E729, column 2, paragraph 4 -page E731	1-28
X	WO 99 64061 A (GOKE BURKHARD; BYRNE MARIA (US); BIONEBRASKA INC (US)) 16 December 1999 (1999-12-16) abstract page 3, line 23 -page 4, line 8 page 4, line 15 - line 19 page 6, line 2 - line 21 page 7, line 3 - line 14 page 23, line 16 -page 24, line 5	1,2,4,6,
X	WO 97 29180 A (BRODERICK CAROL L ;BORTS TRACY L (US); MILLER ANNE R (US); LILLY C) 14 August 1997 (1997-08-14)  abstract page 1, line 2 - line 6 page 21, line 23 page 4, line 15 - line 30	1-3, 6-14,17, 18, 22-24, 27,28
	page 5, line 4 - line 11 page 6, line 3 - line 20 page 10, line 30 -page 11, line 8	
X	US 5 773 255 A (HEGRE ORION D ET AL) 30 June 1998 (1998-06-30)	1,2,4, 6-12,15, 17-23, 25,27,28
	the whole document	,,
Α	WO 98 32866 A (HARE PETER FRANCIS JOSEPH O; MARIE CURIE CANCER CARE (GB); ELLIOTT) 30 July 1998 (1998-07-30) cited in the application the whole document	5,16,26
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Int vitional Application No
PCT/US 01/00537

C (Continuetion) DOCLIMENTS CONSIDERED TO BE DELETION	PC1/US 01/0053/		
C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT  Category Citation of document, with indication where appropriate of the relevant passages			
Category Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.		
P,X WO 00 47721 A (KAGAN DAVID ;ONTOGENY INC (US); PANG KEVIN (US)) 17 August 2000 (2000-08-17) page 4, paragraph 5 -page 5, paragraph 3 page 7, paragraph 2 -page 8, paragraph 1 page 18, paragraph 3 page 26, last paragraph -page 27, paragraph 2 page 28, last paragraph page 31, paragraph 2 - paragraph 3	1-28		
HUSSAIN-KHAN H ET AL: "Evaluation of the effect of glp-1 on insulin secretion by btc-tet cells encapsulated in a flatsheet macrodevice."  INTERNATIONAL JOURNAL OF ARTIFICIAL ORGANS, vol. 23, no. 8, August 2000 (2000-08), page 583 XP001015482  XXVII Congress of the European Society for Artificial Organs in Co-operation with the European Society for Engineering and Medicine; Lausanne, Switzerland; August 31-September 02, 2000  ISSN: 0391-3988  abstract	1-4, 6-15, 17-25, 27,28		

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## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claims 6,7,17,18,20,21,27,28 relate to compound/s defined by reference to a desirable characteristic or property, namely cAMP raising agents (claims 6,17,20,27), drugs, enzymes or hormones (claims 7,18,21,28).

The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to IBMX, GLP-1, GIP, glucagon (see claim 7, 18, 21, 28) and the general concept of the invention.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

information on patent family members

Int Intional Application No
PCT/US 01/00537

Patent document cited in search report		Publication date	Patent family member(s)		Publication date	
WO 9964061	A	16-12-1999	AU EP NO 2	3889999 A 1083924 A 20006336 A	30-12-1999 21-03-2001 12-02-2001	
WO 9729180	Α	14-08-1997	EP	2263197 A 2243718 A 0879279 A 01503963 T	28-08-1997 14-08-1997 25-11-1998 27-03-2001	
US 5773255	A	30-06-1998	AU CA EP WO	5534404 A 701860 B 1304395 A 2178621 A 0733101 A 9516025 A 5712159 A	09-07-1996 04-02-1999 27-06-1995 15-06-1995 25-09-1996 15-06-1995 27-01-1998	
WO 9832866	Α	30-07-1998	EP US	5674998 A 0961829 A 6017735 A 6251398 B	18-08-1998 08-12-1999 25-01-2000 26-06-2001	
WO 0047721	Α	17-08-2000	AU	3227000 A	29-08-2000	