April 10, 1997

Christine Dietzel, Ph.D.
Director for Industrial Liaison
NYU Medical Center
550 First Avenue
Room MSB 153
New York, N.Y. 10016

Re: European Patent Appln. No. 91 913153.2
STIMULATION OF THE BONE MARROW ...
Our Ref: WILSONLYN=1 EPO

Dear Chris:

We have now received from our European associate a copy of the communication under Rule 51(4) EPC in connection with the above-identified case. We are pleased to report that the European Patent Office intends to grant a patent on the basis of the text provided with the communication. We must now advise the EPO whether the English text is acceptable for publication. Obviously, we consider the text to be accurate. However, as full translation of this text into the various languages of the European states in which this patent is to become effective will soon be due, we suggest that at least one translation be commenced now. Any inconsistencies or errors in the English will likely be found during translation. If one translation is done early, any necessary amendments to the English text can be requested in due time. As our associate for this case is in Germany, we would recommend the German translation commence immediately. Please let us have your decision in this regard as soon as possible. The deadline for approval of the English text is June 23, 1997. Please review this document and let us know whether the proposed text is acceptable.

Should you wish to claim further subject matter through the filing of a divisional application, such divisional application should be filed before the approval of the text of the parent case. This would not appear to be the case here.

The European associate further suggests, in order to get sufficient protection in the contracting states Spain and Greece, to add a further claim directed to the preparation of a pharmaceutical composition which would read as follows:

Process for the preparation of a pharmaceutical composition according to any one of claims 10 to 15, 26 or 28 which comprises combining the respective active ingredients.

Unless you advise to the contrary, we will agree thereto.

If approval of the specification text is duly stated and/or if the EPO allows the requested amendments, the Communication pursuant to 51(6) EPC will be issued requesting that the applicants

1. pay the fees for grant and printing and any additional claims fee, and

2. file the translation of the claims in the two other official languages of the EPO

within a further three months.

This further Communication will also indicate the designated Contracting States for which a translation of the complete patent specification must be filed under Art. 65(1) and (2) EPC at the various national Patent Offices.

Attached hereto is a copy of the communication under Rule 51(4) EPC.

Sincerely,

Roger L. Browdy

RLB:al
Enclosure
roger\wilson1.ep3

cc: Mr. Scott Hamilton / Memorial Sloan Kettering (w/ enclosures)

The European application designates all of the following countries: list. If you wish for the granted European application to be enforceable in each of these countries we must eventually file a translation of the entire specification into the home language of this country. Annuities also have to be paid in each country. To enter all of these countries, translations into each of ___ will have to be made. (over)