The examination is being carried out on the **following application documents**

Description, Pages

1-19	received on	15-06-2009	with letter of	12-06-2009

Claims, Numbers

1-4	received on	15-06-2009	with letter of	12-06-2009

1 The following documents are cited:

D8: Peter Schleicher & Lutz Bannasch: Allergiebehandlung mit immunologisch wirksamem Pflanzensamenöl (Schwarzkümmelöl), Notabene medici: Vol 24, no 10-11, pg 360-362.

D9: Anne Simons: "Das Schwarzkümmel-Praxisbuch, 1997, pg 133-142.

Copies of the documents are attached to this communication.

2 The examining division has in the light of the newly cited documents as well as the documents cited by the third party in accordance with Article 115 EPC reexamined the present subject matter. The conclusions are as follows:

Treatment of allergy in general and treatment of specific allergic conditions with Nigella sativa were known before the present priority date, (see D8, especially pages 362 and D9, especially page 140) as well as documents cited by the third party).

It is considered that the present administration time frame of 1 to 30 days is so broad that inherently prior art treatment regimens must fall within the scope of the present claim. Thus, novelty in the sense of Article 54(2) EPC of the present subject matter is not acknowledgeable.

3 Moreover, even if restricted to the administration time frame of 3 to 5 days, it is considered that such subject matter has not been demonstrated to be associated with an inventive step in the sense of Article 56 EPC, the reasons being as follows:

The present application does not appear to demonstrate that the presently claimed short term administration duration of only 3 to 5 days indeed provides for a long term remission of the allergy. The present application appears to relate more to the administration of the known therapeutic glycophosphopeptical (Immunoferon) than to the administration of Nigella sativa. It is not considered proven that these two very different compositions provide for completely corresponding therapeutic effects in vivo. Only present pages 13, lines 28 - page 17, last line describe experiments employing Nigella sativa. These are however in vitro experiments. Thus, no conclusive results as

regards the presently claimed treatment regimen can be drawn from the information on these pages. Consequently, no inventive teaching can be acknowledged.