

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

Description, Pages

1-8 filed with telefax on 09.10.2008

Claims, Numbers

1-3 filed with telefax on 16.12.2008

Substantive examination is to be resumed (see Guidelines C-VI, 14.5).

The Examining Division has become aware of new prior art (Third Party Observation under Article 115 of the EPC).

The application claims the usefulness of a combination of five constituents for the treatment of vitiligo, one of these constituents being a 1:2 watery extract of *Cucumis melo* containing catalase and superoxide dismutase.

However, *Cucumis Melo* has been known for its anti-vitiligo property through local application in the Indian system of medicine, since long, as is evident e.g. from the **Exhibits 1-5 (TKDL abstracts)** as cited in the Third Party Observation under Art. 115 EPC.

Hence, if one ingredient, here *Cucumis melo*, was already known for the treatment of vitiligo, then it had to be expected necessarily in an obvious manner that also a combination product comprising this known active ingredient must be effective for treating vitiligo.

Thus, as long as no surprising (superior) effect of the claimed combination product vis-à-vis the already known products comprising *Cucumis melo*, as described in the **Exhibits 1-5** and in D 2, are shown by the Applicant (for instance in the form of additional technical data), inventive merits under Article 56 EPC cannot be acknowledged.