

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

**Description, Pages**

1-10 filed with telefax on 08-10-2009

**Claims, Numbers**

1-10 filed with telefax on 08-10-2009

2 **Prior art to be taken into consideration:**

**D13:** Vogler. 1999. *Aloe vera: a systematic review of its clinical effectiveness.* British Journal of General Practice (49), 823-828.

**D14:** Blumenthal et al Ed. 1998. ISBN-09655555.0.x. The complete German Commission e Monographs, Therapeutic Guide to herbal Medicines. *Calendula flower.* p100.

**D15:** Exhibit 7 provided by a third party with letter dated 19.04.2010.

**D13** describes the use of *Aloe vera* for the treatment of skin problems such as burns and sores above others (P.824, Table 1).

**D14** describes the use of *Calendula officinalis* for the healing of wounds.

**D15** describes the use of *Centellae asiatica* for the treatment of malignant ulcers through topical application.

**INVENTIVE STEP (Art. 56 EPC):**

3 **Claims 1-10** are not in accordance with the requirements of Art. 56 EPC because:

3.1 The claimed composition consists in the combination of *Calendula officinalis*, *Aloe Vera* and *Centellae asiaticae*.

3.2 In view of the prior art D13, D14 and D15, the combination of these plants would be **obvious** for the treatment of skin diseases and healing of wounds.

The combination of a plant with a known therapeutic effect with further plants with the same known therapeutic agent, wherein all plants are previously known for treating the same disease is also considered to be an obvious

combination. In this regard, it would normally be expected that such combinations of medicinal plants would be more effective than each of the medicinal plants when applied separately (additive effect).

- 3.3 The problem to be solved "*alternative compositions for use in the treatment of skin disorders or wound healing*" has not been shown to be solved in an unexpected way by the claimed composition.

The applicant did not provide any experimental evidence in support of an inventive step (i.e. unexpected technical effect) of the claimed composition.

A technical effect solving a technical problem has to be **achieved by all embodiments falling within the scope of the claims**. Claims covering embodiments not achieving such effect, not shown to have achieved such effect, and thus not solving the underlying technical problem, do not meet the requirements of Art.56 EPC.

- 3.4 **Claims 1-10 are therefore not inventive pursuant to Art. 56 EPC.**