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**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

EP 20 5273 J

22-2-12

Application Number

EP 06 78 2652

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	<p>N.N.: "MH1/3221 Tila Bara-e Khaarish-e-Zihaar Wa Khusiya", TKDL</p> <p>1 January 1812 (1812-01-01), XP002668735, Retrieved from the Internet: URL: http://www.tkd1.res.in/tkd1/LangDefault/Formulation/Member_Docs/BC/unani/highlight.asp?a=/tkd1/LangDefault/Formulation/Member_Docs/BC/Unani/MH1-3221.asp&b=acacia+and+pruritus?str=Global [retrieved on 2012-02-03] * the whole document *</p>	1-14	<p>INV. A61K36/48 A23K1/16 A23L1/30 A61K8/49 A61K8/97 A61K31/353 A61P17/04 A61Q17/00 C07D311/62 A23K1/14 A23K1/18 A61Q19/00</p>
X	<p>N.N.: "NA4/1810 Dawa Barai Gajcaraan", TKDL</p> <p>1 January 1912 (1912-01-01), XP002668736, Retrieved from the Internet: URL: http://www.tkd1.res.in/tkd1/LangDefault/Formulation/Member_Docs/BC/Unani/highlight.asp?a=/tkd1/LangDefault/Formulation/Member_Docs/BC/Unani/NA4-1810.asp&b=acacia+and+pruritus?str=Global [retrieved on 2012-02-03] * the whole document *</p>	1-14	<p>TECHNICAL FIELDS SEARCHED (IPC)</p> <p>A61K A61P</p>
X	<p>TAGUCHI S ET AL: "Evaluation of antipruritic effect of apple polyphenols using a new animal model of pruritus", TOKYO IKA DAIGAKU ZASSHI - JOURNAL OF TOKYO MEDICAL COLLEGE, TOKYO, JP, vol. 60, no. 2, 1 January 2002 (2002-01-01), pages 123-129, XP003021030, ISSN: 0040-8905 * the whole document *</p>	1-14	
<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>			
Place of search		Date of completion of the search	Examiner
Munich		3 February 2012	Friederich, Martin
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</p>			

EPO FORM 1503 03 02 (P/04/COA)

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	OHARA S ET AL: "Condensed Tannins from Acacia mearnsii and Their Biological Activities", MOKUZAI GAKKAISHI./JOURNAL OF WOOD SCIENCE, NIPPON MOKUZAI, TOKYO, JP, vol. 40, no. 12, 1 January 1994 (1994-01-01), pages 1363-1374, XP003002182, ISSN: 0021-4795 * the whole document *	1-14	
X	TAKAGI K ET AL: "Tyrosinase inhibitory activity of proanthocyanidins from woody plants", MOKUZAI GAKKAISHI./JOURNAL OF WOOD SCIENCE, NIPPON MOKUZAI, TOKYO, JP, vol. 49, no. 5, 1 January 2003 (2003-01-01), pages 461-465, XP003002183, ISSN: 0021-4795 * the whole document *	1-14	
			TECHNICAL FIELDS SEARCHED (IPC)
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search Munich		Date of completion of the search 3 February 2012	Examiner Friederich, Martin
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</p>			

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

Description, Pages

1-19 as published

Claims, Numbers

1-14 as published

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

- D1:** N.N.: "MH1/3221 Tila Bara-e Khaarish-e- Zihaar Wa Khusiya",
TKDL
, 1 January 1812 (1812-01-01),
Retrieved from the Internet:
URL:http://www.tkdل.res.in/tkdل/LangDefault/Formulation/Member_Docs/BC/unani/highlight.asp?a=/tkdل/LangDefault/Formulation/Member_Docs/BC/Unani/MH1-3221.asp&b=acacia+and+pruritus?str=Global
[retrieved on 2012-02-03]
- D2:** N.N.: "NA4/1810 Dawa Barai Gajcaraan",
TKDL
, 1 January 1912 (1912-01-01),
Retrieved from the Internet:
URL:http://www.tkdل.res.in/tkdل/LangDefault/Formulation/Member_Docs/BC/unani/highlight.asp?a=/tkdل/LangDefault/Formulation/Member_Docs/BC/Unani/NA4-1810.asp&b=acacia+and+pruritus?str=Global
[retrieved on 2012-02-03]
- D3:** TAGUCHI S ET AL: "Evaluation of antipruritic effect of apple polyphenols using a new animal model of pruritus",
TOKYO IKA DAIGAKU ZASSHI - JOURNAL OF TOKYO MEDICAL COLLEGE, TOKYO, JP,
vol. 60, no. 2, 1 January 2002 (2002-01-01), pages 123-129,
XP003021030,
ISSN: 0040-8905

- D4 OHARA S ET AL: "Condensed Tannins from *Acacia mearnsii* and Their Biological Activities",
MOKUZAI GAKKAISHI./JOURNAL OF WOOD SCIENCE, NIPPON MOKUZAI, TOKYO, JP,
vol. 40, no. 12, 1 January 1994 (1994-01-01), pages 1363-1374,
XP003002182,
ISSN: 0021-4795
- D5 TAKAGI K ET AL: "Tyrosinase inhibitory activity of proanthocyanidins from woody plants",
MOKUZAI GAKKAISHI./JOURNAL OF WOOD SCIENCE, NIPPON MOKUZAI, TOKYO, JP,
vol. 49, no. 5, 1 January 2003 (2003-01-01), pages 461-465,
XP003002183,
ISSN: 0021-4795

If not indicated otherwise, the relevant passages are those mentioned in the European and/or International search report.

Art. 84

The terms "derivative" and "quasi-drug" used in **claims 1 and 12** are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 84 EPC).

Neither the mode of administration ("oral ingestion") nor the daily dosage per kg body weight can be considered as a characterising feature of a product claim. **Claim 9** is therefore unclear.

Art. 53

Present independent **claim 1** is not patentable according to Art. 53(c) EPC. Second medical use claims should be formulated as "compositions for use in the treatment of ..." as suggested in Art. 54(5) EPC.

Dependent claims should be drafted as: "Compound X for use according to claim a, wherein..."

In this context it is noted that medical and non-medical uses should be clearly separated and formulated in different claims.

The second medical use format according to Art. 53(c) EPC is only applicable for medical uses.

Art. 54

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of **claims 1, 4-9, 11 and 12** is not new in the sense of Article 54(1) and (2) EPC.

The presence of condensed tannins of a specific molecular weight is an inherent property of *Acacia* bark extracts. As long as the same extraction processes are used as in the prior art, these features cannot confer novelty to a claim.

It is also noted that present **claim 1** does not exclude the presence of further active ingredients.

D1 discloses the use of a composition containing *Acacia arabica/nilotica* for the treatment of pruritus.

The subject-matter of **claims 1, 4-9, 11 and 12** is therefore not new (Article 54(1) and (2) EPC).

D2 discloses the use of a composition containing *Acacia leucophloea* for the treatment of pruritus.

The subject-matter of **claims 1, 4-9, 11 and 12** is therefore not new (Article 54(1) and (2) EPC).

The above-mentioned lack of clarity notwithstanding, the subject-matter of **claims 2, 3, 10, 13 and 14** is new in the sense of Article 54(1) and (2) EPC since the specification of other *Acacia* species delimits these claims from the prior art cited in the search report.

Art. 56

The present application does not meet the requirements of Article 52(1) EPC, since the subject-matter of **claims 2, 3, 10, 13 and 14** does not involve an inventive step in the sense of Article 56 EPC.

D1 discloses the use of a composition containing *Acacia arabica/nilotica* for the treatment of pruritus, from which the subject-matter of the remaining claims differs in that other *Acacia* species are claimed.

The problem to be solved by the present invention may therefore be regarded as how to provide an improved medicament for the treatment of pruritus and itching.

Yet, the antipruritic effect of tannins as flavan-3-ols is known from the teaching of D3. The presence of said tannins in *Acacia* bark extracts is known from D4 and/or D5.

Taking into account the teaching of the cited prior art the following reasoning applies:

With respect to the subject -matter of the remaining **claims 2, 3, 10, 13 and 14** the applicant's attention is drawn to the fact that there seems to be no basis for inventive step within the present application as filed since no evidence can be found that the features which are novel result in a solution of the posed problem which could not have been foreseen by the skilled person.

Being aware of the teaching of D1 the skilled person performed an arbitrary choice out of the list of active ingredients to select.

Since there is no surprising effect resulting from that choice, the solution proposed in **claims 2, 3, 10, 13 and 14** of the present application is not considered to be inventive in the sense of Article 56 EPC.

With respect to the selection of other *Acacia* species it is noted that the present application does not provide any comparative data showing an improvement over *Acacia arabica/nilotica*.

It can therefore not be seen, wherein the contribution of the present application to the prior art might reside.

The Applicant is hereby requested to use the problem-solution-approach.

When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

If the applicant regards it as appropriate these indications could be submitted additionally in handwritten form on a copy of the relevant parts of the application as filed.