

Datum
Date 03.03.2014
Date

Blatt
Sheet 1
Feuille

Anmelde-Nr:
Application No: 06 782 652.9
Demande n°:

EP 205 2731

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

Description, Pages

1-19 as published

Claims, Numbers

1-11 received on 23-08-2012 with letter of 23-08-2012

Art. 123

The amendments filed with letter of 23.08.2012 meet the requirements of Art. 123(2) EPC. The basis for the amendments can be found in the claims as originally filed and in the description as indicated in applicants letter.

The claims are now restricted to five selected *Acacia* species.

Art. 53

Present **claims 1** is now formulated as a second medical use claim according to Art. 53(c) EPC.

Dependent **claims 2-11** should therefore be drafted as: "Composition X for use according to claim Y, wherein...".

Art. 54

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

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

D3 discloses the antipruritic effect of tannins as flavan-3-ols from apple.

D4 and/or D5 disclose the presence of tannins in *Acacia* bark extracts.

The subject-matter of **claims 1-11** is new in the sense of Article 54(1) and (2) EPC since the limitation to the use of the five *Acacia* species delimits these claims from the prior art cited in the search report.

Art. 56

D1 can be considered as the closest prior art since it also 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 different *Acacia* species are used.

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

D2 discloses the use of a composition containing *Acacia leucophloea* for the same purpose.

With letter of 23.08.2012 the applicant argues that both species known from D1 and D2 for their antipruritic effects belong to the subgenus *Acacia*, whereas the five claimed species belong to the subgenus *Phyllodineae*. The applicant has further argued that a different subgenus is linked with a different tannin/polyphenol profile (see STIN and the argumentation under point V. in the letter dated 23.08.2012).

In the application as originally filed, the antipruritic effect has also been linked with the polyphenols of the five selected *Acacia* species. This argumentation is hence considered plausible.

In the Test Example 1 of the present application the antipruritic effects of extracts obtained from the five selected *Acacia* species has been demonstrated.

It is therefore noted, that the solution proposed in **claims 1-11** of the present application is considered to be inventive in the sense of Article 56 EPC.

As a next step a grant is to be expected. To meet the requirements of Rule 42(1)(b) EPC, the documents D1-D5 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

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The applicant is furthermore requested to bring the description into conformity with the amended claims (restriction to the selected Acacia species) and the EPC (method of treatment, incorporation by reference, spirit of the invention, etc.). Experimental data referring to other diseases should be deleted or marked as reference examples.

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).