

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

**Description, Pages**

1-43 as published

**Claims, Numbers**

1-15 filed with entry into the regional phase before the EPO

**Drawings, Sheets**

1-5 as published

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1) Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

- D1 US 2004/121058 A1 (JAYALEKSHMY ANANTHASANKARAN [IN] ET AL) 24 June 2004 (2004-06-24)
- D2 US 2008/089906 A1 (RIVAL DELPHINE [FR] ET AL) 17 April 2008 (2008-04-17)
- D3 US 4 649 206 A (NAMIKI MITSUO [JP] ET AL) 10 March 1987 (1987-03-10)
- D4 WO 01/18125 A1 (GHISALBERTI CARLO [BR]) 15 March 2001 (2001-03-15)
- D5 WO 93/21252 A1 (UNIV YALE [US]; PAWELEK JOHN M [US]; OSBER MICHAEL P [US]; ORLOW SETH) 28 October 1993 (1993-10-28)

2) An International Preliminary Report on Patentability / International Preliminary Examination Report has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.

The applicant has failed to suitably address and/or rectify the deficiencies mentioned in that report.

In particular it should be again reminded that under Article 84 in combination with Rule 43(2) EPC, an application may contain more than one independent claim in a particular category only if the subject-matter claimed falls within one or more of the exceptional situations set out in paragraph (a), (b) or (c) of Rule 43(2) EPC. This is not the case in the present application.

In the further prosecution of the application, failure to file an amended set of claims which complies with Rule 43(2) EPC, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, may lead to refusal of the application under Article 97(2) EPC.

3) Amendments in the sense of Art.123(2) EPC

The applicant has filed new claims 1-15 with the Entry into the European Phase dated on 25.02.2011.

However he has **not identified the basis for each amendments, nor has he replied to the objections** in the International Preliminary Report on Patentability / International Preliminary Examination Report.

In order to comply with the requirements of Rule 137(4) EPC, the applicant should **clearly identify the amendments made**, irrespective of whether they concern amendments by addition, replacement or deletion, and indicate the passages of the application as filed on which these amendments are based (see Guidelines H-III 2.2).

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

4) **The third-party observation received on 20.07.2011 pursuant to Art. 115 EPC calls into question the patentability of the subject-matter claimed (Guidelines E-V, 3).**

**A copy of the documents and the third observations has been sent to the applicant. The content thereof is highly relevant to the question of the patentability of the present application. Therefore the applicant is respectfully requested to comment on all the observations.**