

• EP 2328598

Datum
Date 07.03.2014
Date

Blatt
Sheet 1
Feuille

Anmelde-Nr:
Application No: 09 805 451.3
Demande n°:

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

Description, Pages

1-12 as published

Claims, Numbers

1-12 filed with entry into the regional phase before the EPO

Drawings, Sheets

1-7 as published

- 1 The representatives argumentation concerning inventive step is still not convincing. Firstly, it should be pointed out that, in contrast to the representatives view, the claimed compound does **not** have a different structure as that of D1. The difference lies only in the stereochemistry: cassiatannin A includes 3 epicatechin and 1 catechin unit and paramerritannin A-1 according to D1 includes 4 epicatechin units. Thus, from the structural point of view, the present compound cannot be considered as inventive in view of D1 because the presence of alternative stereoisomers of known compounds in natural products is generally not regarded as surprising.
- 2 The examining division would like to draw the attention to the arguments submitted with 3rd party observations filed on 28.08.2013. In the Traditional Knowledge Digital Library (TKDL), there are several references where Cinnamomium cassia has been used for the treatment of a great variety of different disorders, e.g. it is used as antidiabetic agent, antitumor agent or cardiotoxic agent. It is noted that the present isomer is preferably isolated from Cinnamomium cassia and disclosed as being useful in the treatment of the same category of diseases. See [0041] of the present application. In view of this information and the information given in the present application a surprising or unexpected effect of the isolated compound in view of these references cannot be detected.
- 3 The representative is requested to take position to the 3rd party observation, accordingly.