

• EP 2502928
21-6-13

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

Description, Pages

1-21 as published

Claims, Numbers

1-9 as published

1 Prior art

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

- D1 "Zardi-e- Baiz Neem Brist",
TKDL., 1 January 1896 (1896-01-01), XP003029296,
- D2 "Nuskha Bara--e Jhaeen Wa Kalaf",
TKDL., 1 January 1911 (1911-01-01), XP003029297,
- D3 "Tila Baiza Biryani",
TKDL., 1 January 1896 (1896-01-01), XP003029298,
- D4 "Matbookh Zardi-e- Baiz",
TKDL., 1 January 1896 (1896-01-01), XP003029299,
- D5 WO 2004/014144 A1 (SOLAE LLC [US]; MAYNES JONATHAN [US]) 19
February 2004 (2004-02-19)
- D6 WO 00/00038 A1 (MICHAEL FOODS INC [US]) 6 January 2000
(2000-01-06)

The following document has been cited in the international search report; the numbering will be adhered to in the rest of the procedure.

- D7 JP 2005 272380 A (Q.P. CORP.) 6 October 2005 (2005-10-06)

2 Third party observations (Article 115 EPC)

Observations by a third party have been filed on the 31.12.12, with letter dated 06.12.12.

The Examining Division is of the opinion that these documents are relevant for assessing novelty of the subject-matter of claims 7, 8 and 9 (See below §3). The documents have been cited in the search report and correspond to D1, D2, D3 and D4.

3 Novelty (Article 54 EPC)

3.1 The subject-matter of claims 1-6 is new, since no document in the available prior art discloses a treatment with a water- and alcohol-containing acetone having an acetone content of 80 vol% in a method for producing a purified egg-yolk phospholipid composition.

3.2 The subject-matter of claims 7, 8 and 9 is not novel.

Claim 7, respectively claim 8 and claim 9, read as follows: "a pharmaceutical composition (respectively "a cosmetic composition" and "a food composition"), **comprising** the purified egg-yolk phospholipid composition obtained by the method according to any one of claims 1 to 6".

Egg-yolks themselves comprise said phospholipid composition since the purified composition is obtained therefrom. Therefore a composition comprising egg-yolks is novelty destroying for a composition comprising the purified egg-yolk phospholipid composition obtained by the method according to any one of claims 1 to 6.

**D1 discloses a nutraceutical comprising egg-yolk. It is administered orally and used as a medicine with wine, milk, honey or water, in particular as a heamatogenic, cardio-
tonic, brain-tonic, general-tonic and aphrodisiac.**

The subject-matter of claims 7 and 9 is therefore not new according to this document D1.

D2 discloses a therapeutic composition comprising egg yolk and honey, used in the treatment of chloasma / melasma / melanoderma, mothers mark / naevus, and freckle. The composition is applied locally, on face.

The subject-matter of claims 7 and 8 is therefore not new according to this document D2.

D3 discloses a therapeutic composition comprising egg-yolk and honey, used as a liniment in the treatment of freckle, skin marks, face and whole body.

The subject-matter of claims 7 and 8 is therefore not new according to this document D3.

D4 discloses a composition comprising egg-yolk, black pepper, sacred basil, water and a kind of sour and bitter gruel or drink. The composition is administered orally and use in the treatment of e.g. diseases, throat, cough, bronchitis.

The subject-matter of claims 7 and 9 is therefore not new according to this document D4.

4 Inventive step (Article 56 EPC)

4.1 D7 is considered to be the prior art closest to the subject-matter of claim 1 and discloses a method for producing a purified yolk phospholipid composition. The method comprises a step of treatment of egg-yolk with a water-containing acetone.

The subject-matter of claim 1 therefore differs from this known D7 in that the acetone not only contains water but also contains alcohol.

The effect achieved by this difference is that the cholesterol content of the purified egg-yolk phospholipid composition can be reduced effectively (p.5 I. 23-24).

The objective technical problem to be solved by the present invention may therefore be regarded as the provision of an alternative method for producing an egg-yolk phospholipid composition with an improved (reduced) cholesterol content.

D5 discloses a process for removing sugar and/or oil from lecithin. The process includes: providing a crude lecithin material; mixing the crude lecithin material with a blend of ethanol and water in a first extraction step; retaining solids from the first mixture; mixing the retained solids with a blend of ethanol and water to form a second mixture; and retaining solids from the second mixture as an improved lecithin product. By using a blend of ethanol and water as an extracting solvent, a lecithin product is produced with a high phospholipid content without imparting an undesirable solvent impaired flavor and/or color to the lecithin. The obtained lecithin contains less oil and sugar. D5 therefore gives a hint that a combination of water and ethanol can reduce oil content of lecithin (phospholipid) in a method for producing a purified egg-yolk phospholipid composition, that is to say, can reduce cholesterol (when lecithin comes from an animal source).

Therefore, starting from D7 and in light of D5 (i.e. combining the method of D7 with the teaching of D5), it would seem to be obvious to the skilled person that a method for producing a purified egg-yolk phospholipid composition comprising a step of treatment with water and alcohol and acetone would lead to an improved phospholipid composition, in particular, a phospholipid composition wherein cholesterol is reduced.

The subject-matter of claims 1-6 therefore does not involve an inventive step.

4.2 The subject-matter of claims 7, 8 and 9 is not new, and therefore does not involve an inventive step either.

5 Conclusion

At least some of the objections raised above are such that there appears to be no possibility of overcoming them by amendment. Refusal of the application under Article 97(2) EPC is therefore to be expected.

Should the applicant nevertheless regard some particular matter as patentable an independent claim should be filed taking account of Rule 43(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) 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 (not of amended documents) 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, accompanied by a clean typed copy.

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 of 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).

Amendments should be made by filing replacement pages. Unnecessary recasting of the description should be avoided. An amended abstract is not required. The applicant should also take account of the requirements of Rule 50(1) EPC. If handwritten amendments are submitted, they should be clearly legible to the printer.

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	"Zardi-e- Baiz Neem Brist", TKDL,, 1 January 1896 (1896-01-01), XP003029296, * the whole document *	7,9	INV. C07F9/10 A23J7/00 A23L1/30 A61K8/55 A61K8/92 A61K8/98 A61K9/10 A61K9/127 A61K47/44 A61Q19/00
X	"Nuskha Bara--e Jhaeen Wa Kalaf", TKDL,, 1 January 1911 (1911-01-01), XP003029297, * the whole document *	7,8	
X	"Tila Baiza Biryan", TKDL,, 1 January 1896 (1896-01-01), XP003029298, * the whole document *	7,8	
X	"Matbookh Zardi-e- Baiz", TKDL,, 1 January 1896 (1896-01-01), XP003029299, * the whole document *	7,9	
X	WO 2004/014144 A1 (SOLAE LLC [US]; MAYNES JONATHAN [US]) 19 February 2004 (2004-02-19) * abstract * * page 3, lines 2-7,20-33 * * page 4, lines 1-20 * * page 5, lines 25-30,33-34 * * page 6, lines 29-31 * * claim 7 *	1-6	TECHNICAL FIELDS SEARCHED (IPC) C07F A23L
A	WO 00/00038 A1 (MICHAEL FOODS INC [US]) 6 January 2000 (2000-01-06) * the whole document *	1-9	
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 13 June 2013	Examiner de La Tour, Camille
<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>			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 10 83 1394

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

13-06-2013

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2004014144 A1	19-02-2004	AU 2003261218 A1	25-02-2004
		US 2004161520 A1	19-08-2004
		WO 2004014144 A1	19-02-2004

WO 0000038 A1	06-01-2000	AU 4851399 A	17-01-2000
		CA 2335769 A1	06-01-2000
		CN 1307452 A	08-08-2001
		EP 1091656 A1	18-04-2001
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		MX PA01000231 A	29-11-2002
		US 6217926 B1	17-04-2001
		WO 0000038 A1	06-01-2000
