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Datum
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Blatt
Sheet 1
Feuille

Anmelde-Nr.
Application No. 11 850 294.5
Demande n°

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

Description, Pages

1-71 as published

Claims, Numbers

1-14 filed with entry into the regional phase before the EPO

Drawings, Sheets

1/10-10/10 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 DATABASE WPI
Week 200981
Thomson Scientific, London, GB;
AN 2009-P08422
& CN 101 531 696 A (CHENGDU MILITARY DISTRICT KUMING GEN
HOSPITAL) 16 September 2009 (2009-09-16)
- D2 BOGAR: "Panduvirkku Karisalai Ilagam",
KEY ATTRIBUTES OF TKDL PD03/13,
pages 1-12, XP003025050,
- D3 PUSHPANGADAN P ET AL: "Ethnomedical and ethnobotanical
investigations among some scheduled caste communities of travancore,
kerala, india",
JOURNAL OF ETHNOPHARMACOLOGY, ELSEVIER IRELAND LTD, IE,
vol. 16, no. 2-3, 1 June 1986 (1986-06-01), pages 175-190,
XP025813244,
ISSN: 0378-8741, DOI: 10.1016/0378-8741(86)90088-7
[retrieved on 1986-06-01]

- D4 SHIDDAMALLAYYA N ET AL: "Medico-botanical survey of Kumar parvatha Kukke Subramanya, Mangalore, Karnataka", INDIAN JOURNAL OF TRADITIONAL KNOWLEDGE, RESOURCES, NEW DELHI, NEW DELHI - INDIA, vol. 9, no. 1, 1 January 2010 (2010-01-01), pages 96-99, XP018027611, ISSN: 0972-5938

If not indicated otherwise the relevant passages are those mentioned in the search report.

Document D1 discloses steroidal saponin extracted from *Homonoia riparia* by percolation with 30% ethanol for use in the treatment of purine metabolism disorders inter alia caused by diabetic ketoacidosis (see annexed machine translation at page 3 middle of second paragraph).

Document D2 discloses a composition comprising *Homonoia riparia* root for treating inter alia diabetes mellitus.

Document D3 discloses the use of *Homonoia riparia* for treating kidney troubles, bladder stones or genito-urinary tract disorders.

Document D4 discloses the use of *Homonoia riparia* as laxative, diuretic or for treating bladder stones.

2 Novelty (Art. 54 EPC):

2.1 The diseases treated according to D1 can be caused by diabetic ketoacidosis (see annexed machine translation at page 3 middle of second paragraph) and thus fall in the scope of the terms *diabetic complications*. The disclosure of D1 anticipates thus claim 1. The terms *health functional food* do not characterize the composition of claim 2, claim 2 lacks thus novelty over D1.

2.2 **Due to the wording "comprising", it appears that the composition of D2 falls in the scope of claims 1 and 2. The treatment of diabetes results as well in the prevention of the diabetic complications. Hence, claims 1 and 2 lack novelty in view of D2.**

2.3 Dependent claims 3-14 does not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step.

The use of an alternative extraction process differing from that of D1 does not confer novelty to the *Homonoia riparia* extract. When treating diabetes as disclosed in D2, the diabetic complications of claim 9 are also treated. Claims 3-14 appear thus to lack novelty in view of D1 and D2.

Claims 1-14 do not fulfil the requirements of Art. 54 EPC.

3 Art. 84 EPC:

Despite the different wording of claims 1 and 2, the scope of the claims is the same. Claims 1 and 2 are thus redundant.



**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

Application Number
EP 11 86 0294

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	DATABASE WPI Week 200981 Thomson Scientific, London, GB; AN 2009-P08422 XP002726864, & CN 101 531 696 A (CHENGDU MILITARY DISTRICT KUMING GEN HOSPITAL) 16 September 2009 (2009-09-16) * abstract *	1-8, 10-14	INV. A61K36/47 A23L1/29 A61P3/10 A61P35/00 A61P17/00
X	BOGAR: "Panduvirkku Karisalai Ilagam", KEY ATTRIBUTES OF TKDL PD03/13, 1 January 1994 (1994-01-01), pages 1-12, XP003025050, * pages 7,10 *	1-6,8-14	
A	PUSHPANGADAN P ET AL: "Ethnomedical and ethnobotanical investigations among some scheduled caste communities of travancore, kerala, india", JOURNAL OF ETHNOPHARMACOLOGY, ELSEVIER IRELAND LTD, IE, vol. 16, no. 2-3, 1 June 1986 (1986-06-01), pages 175-190, XP025813244, ISSN: 0378-8741, DOI: 10.1016/0378-8741(86)90088-7 [retrieved on 1986-06-01] * the whole document *	1-14	TECHNICAL FIELDS SEARCHED (IPC) A61K
A	SHIDDAMALLAYYA N ET AL: "Medico-botanical survey of Kumar parvatha Kukke Subramanya, Mangalore, Karnataka", INDIAN JOURNAL OF TRADITIONAL KNOWLEDGE, RESOURCES, NEW DELHI, NEW DELHI - INDIA, vol. 9, no. 1, 1 January 2010 (2010-01-01), pages 96-99, XP018027611, ISSN: 0972-5938 * the whole document *	1-14	
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 9 July 2014	Examiner Bochelen, Damien
CATEGORY OF CITED DOCUMENTS 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		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	

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