

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

Description, Pages

1-13 filed with entry into the regional phase before the EPO

Claims, Numbers

1-11 received on 18-04-2011 with letter of 18-04-2011

Drawings, Sheets

1/2, 2/2 filed with entry into the regional phase before the EPO

1). The application lacks unity within the meaning of Article 82 EPC, for the following reasons:

The problem underlying the present application was the provision of uses (claims 1-5) and compositions for stabilizing lymphatic vessels. This problem appears to be solved by the use of the Tie2 activators mentioned in claims 2 and 7. However, D1 (=Tuomas Tammela et al., "Angiopoietin-1 promotes lymphatic sprouting and hyperplasia", Blood, 2005, vol. 105, p. 4642-4648) already discloses that angiopoietin-1 binds to Tie-2, stabilizing the formation of lymph vessel networks and the continuity of endothelial cells in lymph vessels (see abstract and page 4644, right column, line 4 to page 4645, left column, line 10) and suggests that angiopoietin-1 may be useful in treating edema (see abstract and page 4647, right column, lines 21-32). Thus, the requisite unity of invention does not exist.

Hence the Examining Division considers that the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

1). Claims 1-2 (partially), 3-4, 5-7 (partially) 8-9, 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising extracts of *Cinnamomum* species.

2). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising extracts of Siberian ginseng.

3). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising angiopoietin-1

4). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising syringaresinol

In accordance with Rule 164(1) EPC the supplementary search report has been drawn up for those parts of the application which relate to the invention, or group of inventions, first mentioned in the claims.

The applicant is invited to limit the application to the invention covered by the European supplementary search report.

The subject-matter to be excised may be made the subject of one or more divisional applications. The divisional applications must be filed with the European Patent Office in Munich, The Hague or Berlin and shall be filed in the language of the proceedings relating to the present application (cf. Article 76(1) and Rule 36(2) EPC). The time limit for filing divisional applications (Rule 36(1) EPC) must be observed.

2). The subject - matter of claims 1-5 concerns a method of treatment of the human or animal body by therapy practised on the human or animal body, which is excluded from patentability (Article 53(c) EPC). The claims as presently formulated are thus not allowable and should be either suppressed or reworded in the form of a product for use in such a method according to Articles 54(4) and 54(5) EPC (Guidelines C -IV, 4.8).

3). Use claims 1-5 even reworded under art. 54(4)/(5) EPC would be not acceptable under Article 84 EPC. The therapeutic application is functionally defined by a mechanism of action ("stabilizing lymphatic vessel") which does not allow any practical application in the form of a defined, real treatment of a pathological condition (disease) (C-III, 4.22 and C-IV, 4.8).

The objection could be overcome by either introducing into the claim a list of pathological conditions (diseases) cited in the application, or by showing that means are available which would allow the skilled person to recognise which additional condition/s would fall within the functional definition (C-III, 6.5).

4). Claims 6-10 are not formulated in the form of a product for use in a medical method according to Articles 54(4) and 54(5) EPC (Guidelines C -IV, 4.8). Hence, the subject-matter of claims 6-10 discloses nothing more than the products per se.

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

D2 (=NN: "Habb Waasli", TKDL , no. MH5/2791 1 January 1811 (1811-01-01), XP002666404, Retrieved from the Internet: URL:http://www.tkdل.res.in/tkdل/LangDefault/Formulation/Member_Docs/BC/unani/highlight.asp?a=/tkdل/langdefault/formulation/member_docs/bc/unani/mh5-2791.asp&b=mh5/2791&c=F&stypelPrint=GLOBAL-SIMPLE-SEARCH?str=Global [retrieved on 2011-12-28]) refers to a formulation containing *Cinnamomum cassia* along with few other ingredients used for the treatment of cervical lymphadenitis and lymphadenitis through oral administration. Hence, in the light of **D2** the subject-matter of claims 6-9 and 11 is not novel wherein the subject-matter of claim 10 does not involve an inventive step.

D3 (=NN: "Itreefal Ghudadi", TKDL , no. MH1/3719 1 January 1811 (1811-01-01), XP002666405, Retrieved from the Internet: URL:http://www.tkdل.res.in/tkdل/LangDefault/Formulation/Member_Docs/BC/unani/highlight.asp?a=/tkdل/langdefault/formulation/member_docs/bc/unani/mh1-3719.asp&b=mh1/3719&c=F&stypelPrint=GLOBAL-SIMPLE-SEARCH?str=Global [retrieved on 2011-12-28]) refers to a formulation containing *Cinnamomum cassia* along with few other ingredients used for the treatment cervical lymphadenitis

through oral administration. Hence, in the light of **D3** the subject-matter of claims 6-9 and 11 is not novel wherein the subject-matter of claim 10 does not involve an inventive step.

D4 (=NN: "Kukkilathy Vadakam", TKDL , no. GP03/245 1 January 1911 (1911-01-01), XP002666406, Retrieved from the Internet: URL:http://www.tkdil.res.in/tkdil/LangDefault/Formulation/Member_Docs/BC/siddha/highlight.asp?a=/tkdl/langdefault/formulation/member_docs/bc/siddha/gp03-245.asp&b=gp03/245&c=F&stypePrint=GLOBAL-SIMPLE-SEARCH?str=Global [retrieved on 2011-12-28]) refers to a formulation containing *Cinnamomum cassia* along with few other ingredients used for the treatment of edema and inflammation through oral administration. Hence, in the light of **D5** the subject-matter of claims 6-9 and 11 is not novel wherein the subject-matter of claims 10 does not involve an inventive step.

D5 (=US 6 607 756) discloses a herbal composition that aids in relief of symptoms caused by edema comprising cinnamon essential oil. Hence, in the light of **D5** the subject-matter of claims 6-9 and 11 is not novel wherein the subject-matter of claim 10 does not involve an inventive step.

D6 discloses an aqueous extract of *Cinnamomum ceylanicum*. Hence, the subject-matter of claims 6-7 and 9-10 is not novel.

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	<p>DATABASE TKDL [Online]</p> <p>1811, "Habb Waasli", XP002666404, Database accession no. MH5/2791 * the whole document *</p> <p>-----</p>	1-11	INV. A61K45/00 A61K31/11 A61K31/34 A61K36/00 A61K38/22 A61P7/10 A61P17/16 A61P43/00 A61K31/343 A61K38/18 A61K36/254 A61K36/54
X	<p>DATABASE TKDL [Online]</p> <p>1811, "Itreefal Ghudadi", XP002666405, Database accession no. MH1/3719 * the whole document *</p> <p>-----</p>	1-11	TECHNICAL FIELDS SEARCHED (IPC) A61K A61P
X	<p>DATABASE TKDL [Online]</p> <p>1911, "Kukkilathy Vadakam", XP002666406, Database accession no. GP03/245 * the whole document *</p> <p>-----</p>	1-11	
X	<p>US 6 607 756 B1 (ROSENSTIEL LEONIE [US]) 19 August 2003 (2003-08-19) * the whole document * * abstract * * column 1, line 26 - column 2, line 23 * * column 2, line 56 - line 67 * * column 3, line 25 - line 35 * * column 4, line 9 - line 27 * * tables 1,2 * * example 2 *</p> <p>-----</p> <p style="text-align: center;">-/--</p>	1-11	
<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>			
Place of search		Date of completion of the search	Examiner
Munich		28 December 2011	Economou, Dimitrios
<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</p> <p>..... & : member of the same patent family, corresponding document</p>			

**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

Application Number
EP 09 76 6685

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	WO 2008/059310 A1 (AVESTHA GENGRAINE TECH PVT LTD [IN]; PATELL VILLOO MORAWALA [IN]) 22 May 2008 (2008-05-22) * the whole document * * page 3, paragraph 3 * * example 1 * * claims 1-4,6 * -----	6,7,9,10	
			TECHNICAL FIELDS SEARCHED (IPC)
	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 28 December 2011	Examiner Economou, Dimitrios
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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EPO FORM 1503.03.82 (P04C04)

CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing claims for which payment was due.

- Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due and for those claims for which claims fees have been paid, namely claim(s):
- No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for those claims for which no payment was due.

LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:
- The present supplementary European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims (Rule 164 (1) EPC).

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 3, 4, 8, 9(completely); 1, 2, 5-7, 10, 11(partially)

Uses and composition for stabilizing lymphatic vessels comprising extracts of Cinnamomum species.

2. claims: 1, 2, 5-7, 10, 11(all partially)

Uses and composition for stabilizing lymphatic vessels comprising extracts of Siberian ginseng.

3. claims: 1, 2, 5-7, 10, 11(all partially)

Uses and composition for stabilizing lymphatic vessels comprising angiopoietin-1

4. claims: 1, 2, 5-7, 10, 11(all partially)

Uses and composition for stabilizing lymphatic vessels comprising syringaresinol

The problem underlying the present application was the provision of uses (claims 1-5) and compositions for stabilizing lymphatic vessels. This problem appears to be solved by the use of the Tie2 activators mentioned in claims 2 and 7. However, D1 (=Tuomas Tammela et al., "Angiopoietin-1 promotes lymphatic sprouting and hyperplasia", Blood, 2005, vol. 105, p. 4642-4648) already discloses that angiopoietin-1 binds to Tie-2, stabilizing the formation of lymph vessel networks and the continuity of endothelial cells in lymph vessels (see abstract and page 4644, right column, line 4 to page 4645, left column, line 10) and suggests that angiopoietin-1 may be useful in treating edema (see abstract and page 4647, right column, lines 21-32). Thus, the requisite unity of invention does not exist.

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2). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising extracts of Siberian ginseng.

**LACK OF UNITY OF INVENTION
SHEET B**

Application Number
EP 09 76 6685

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

3). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising
angiopoietin-1

4). Claims 1-2 (partially), 5-7(partially), 10-11 (partially)

Uses and composition for stabilizing lymphatic vessels comprising
syringaresinol

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

EP 09 76 6685

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.

28-12-2011

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6607756	B1	19-08-2003	NONE	

WO 2008059310	A1	22-05-2008	NONE	
