



## EUROPEAN SEARCH REPORT

Application Number  
EP 09 15 7704

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	DATABASE TCM [Online] SIPO; 12 July 2000 (2000-07-12), Yang Yuechao: "A medicated wine XIONGSANXIAN WINE, and its preparation method/A Chinese medicinal preparation for promoting health of cardiovascular system, and its preparation method" XP002600659 Database accession no. CN-98121836-A * abstract * & CN 1 259 359 A (YANG YUECHAO [CN]) 12 July 2000 (2000-07-12) -----	1-7	INV. A61K36/725 A61K36/484 A61K36/258
Y	DATABASE TCM [Online] SIPO; 26 March 1997 (1997-03-26), Liu Zengyuan: "Chinese medicine 'Jiaotai'/A Chinese herbal preparation for the treatment of anxiety state, and its preparation method" XP002600670 Database accession no. CN-95112014-A * abstract * & CN 1 145 790 A (LIU ZENGYUAN [CN]) 26 March 1997 (1997-03-26) -----	1-7	TECHNICAL FIELDS SEARCHED (IPC) A61K A61P
Y	DATABASE TCM [Online] SIPO; 12 September 2001 (2001-09-12), Li Shilin: "A medicine osmosized through head acupoint for the treatment of depression/A pharmaceutical composition for the treatment of depression, and its preparation method" XP002600671 * abstract * -----	1-7	
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The present search report has been drawn up for all claims			
4	Place of search Munich	Date of completion of the search 4 October 2010	Examiner Thalmair-De Meyere
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	

EPO FORM 1503 03 B2 (P04-001)

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Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	& CN 1 312 089 A (LI SHILIN [CN]) 12 September 2001 (2001-09-12) ----- DATABASE TCM [Online] SIPO; 21 March 2001 (2001-03-21), D.A. Desantis: "Herba Hyperici perforati (Herba Hyperici Monogyni) and methyl donor composition and uses thereof / A pharmaceutical composition for the treatment of depression, anxiety and premenstrual tension syndrome" XP002600672 Database accession no. CN-99802145-A * abstract * & CN 1 288 383 A (REXALL SUNDOWN INC [US]) 21 March 2001 (2001-03-21) -----	1-7	
Y	DATABASE WPI Week 200519 Thomson Scientific, London, GB; AN 2005-173749 XP002600673 & CN 1 552 333 A (ZHANG J) 8 December 2004 (2004-12-08) * abstract * -----	1-7	TECHNICAL FIELDS SEARCHED (IPC)
Y	"A medicine, Energy Pleasing and the depressed vital energy dispersing prescription, for the treatment of psychosis/A pharmaceutical composition for the treatment of psychosis" TCM, 22 August 2001 (2001-08-22), XP002471316 * abstract * & CN 1 308 959 A (WANG DONGQIAO [CN] INT EPODOC Caesar accession number: CN1308959 WANG) 22 August 2001 (2001-08-22) ----- -/--	1-7	
The present search report has been drawn up for all claims			
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EPO FORM 1503 03 B2 (P04001)

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	DATABASE TKDL [Online] CSIR India; 1 January 1995 (1995-01-01), Arkaprakasah by Lankapatiravana: "Jalayasti Arka Gunah" XP002600726 Database accession no. AK14/40A * abstract *	1-7	
			TECHNICAL FIELDS SEARCHED (IPC)
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EPO FORM 1503 03/02 (P04/C01)

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

**Description, Pages**

1-24 as originally filed

**Claims, Numbers**

1-7 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

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

- D1 DATABASE TCM [Online] SIPO; 12 July 2000 (2000-07-12) , Yang Yuechao: "A medicated wine XIONGSANXIAN WINE, and its preparation method/A Chinese medicinal preparation for promoting health of cardiovascular system, and its preparation method" XP002600659 Database accession no. CN-98121836-A ; & CN 1 259 359 A (YANG YUECHAO [CN]) 12 July 2000 (2000-07-12)
- D2 DATABASE TCM [Online] SIPO; 26 March 1997 (1997-03-26) , Liu Zengyuan: "Chinese medicine 'Jiaotai'/A Chinese herbal preparation for the treatment of anxiety state, and its preparation method" XP002600670 Database accession no. CN-95112014-A ; & CN 1 145 790 A (LIU ZENGYUAN [CN]) 26 March 1997 (1997-03-26)
- D3 DATABASE TCM [Online] SIPO; 12 September 2001 (2001-09-12) , Li Shilin: "A medicine osmosized through head acupoint for the treatment of depression/A pharmaceutical composition for the treatment of depression, and its preparation method" XP002600671 ; & CN 1 312 089 A (LI SHILIN [CN]) 12 September 2001 (2001-09-12)
- D4 DATABASE TCM [Online] SIPO; 21 March 2001 (2001-03-21) , D.A. Desantis: "Herba Hyperici perforati (Herba Hyperici Monogyni) and methyl donor composition and uses thereof / A pharmaceutical composition for

the treatment of depression, anxiety and premenstrual tension syndrome"  
XP002600672 Database accession no. CN-99802145-A ; & CN 1 288 383  
A (REXALL SUNDOWN INC [US]) 21 March 2001 (2001-03-21)

D5 DATABASE WPI Week 200519 Thomson Scientific, London, GB; AN  
2005-173749XP002600673& CN 1 552 333 A (ZHANG J) 8 December  
2004 (2004-12-08)

D6 "A medicine, Energy Pleasing and the depressed vital energy dispersing  
prescription, for the treatment of psychosis/A pharmaceutical composition  
for the treatment of psychosis"TCM, 22 August 2001 (2001-08-22) ,  
XP002471316 ; & CN 1 308 959 A (WANG DONGQIAO [CN] INT  
EPODOC Caesar accession number: CN1308959 WANG) 22 August  
2001 (2001-08-22)

D7 DATABASE TKDL [Online] CSIR India; 1 January 1995 (1995-01-01) ,  
Arkaprakasah by Lankapatiravana: "Jalayasti Arka Gunah" XP002600726  
Database accession no. AK14/40A

In D 1 XIONGSANXIAN WINE is prepared by selecting edible wine, adding radix  
Notoginseng extract, Radix Glycyrrhizae extract containing glycyrrhizic acid etc. and is  
useful in the field of Neurology and Psychiatry etc.

D 2 reports on Chinese herbal preparations with depression relieving, sedative effects  
comprising Radix Glycyrrhizae preparata, Fructus Jujubae, Radix Ginseng rubra etc.

D 3 already shows a Chinese medicinal composition for the treatment of depression  
which is prepared from Radix Glycyrrhizae, Fructus Jujubae, Radix Ginseng etc.

D 4 already refers to a pharmaceutical composition for the treatment of depression  
comprising Radix Glycyrrhizae, Radix Ginseng etc.

D 5 already reports on a medicine for preventing depression, which is prepared from 3  
Chinese-medicinal materials including ginseng through extracting, proportional mixing,  
pulverizing, sieving and granulating.

D 6 already describes a medicine for the treatment of psychosis, depression etc.  
which is prepared from Radix Glycyrrhizae, Radix Ginseng, Fructus Jujubae etc. by  
steaming and decocting in water and making pill, capsule, powder or oral liquid.

D 7 relates to a medicine for the treatment of psychosis, depression etc. prepared  
from Radix Glycyrrhizae, Radix Ginseng, Fructus Jujubae etc. by steaming and  
decocting in water and making pill, capsule, powder or oral liquid.

Hence, to sum up, the presently claimed subject-matter does not appear to be inventive according to Article 56 EPC in view of the teachings of D 1 and/or D 2 to D 7, since medicines comprising extracts of Radix Ginseng, Fructus Jujubae and Radix Glycyrrhizae containing glycyrrhizic acid were already known in the prior art as being useful for the treatment of depression. Therefore, the destination of the specific amounts of the two (to three) main ingredients to be used for preparing pharmaceutical formulations in accordance with the present application seems to fall within the routine experimental capacities of the average skilled person and cannot establish inventive merits, as long as no unexpected / surprising effect has been shown.

The above mentioned objections should be overcome by suitable amendment or explanation. If not, refusal of the application (Art. 97 (2) EPC) should be expected. In the case where new claims are filed, they should be accompanied by carefully adapted pages of the description (Rule 42 (1) EPC).

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

**Description, Pages**

1-24 as originally filed

**Claims, Numbers**

1-7 received on 21-06-2011 with letter of 20-06-2011

**Drawings, Sheets**

1/3-3/3 as originally filed

Applicant has filed a new set of claims 1-7 (received on 21.06.2011 with letter of 20.06.2011).

The main difference with regard to the originally filed claims is the addition of the wordings "a monarch component having" and "a subject component having" in the independent claims 1 and 6, in order to clarify the roles of the "ginseng" and the "glycyrrhetic acid or glycyrrhetic acid" components: The ginseng extract as the monarch pharmacological active component providing the main anti-depression effect, and the glycyrrhizic acid or glycyrrhetic acid as a subject component that synergistically raises the main anti-depression effect of the ginseng.

Applicant has cited paragraphs [0027]-[0030] and [0080] to [0100] of the present specification, as describing the said synergistic anti-depression effect of the combination of the ginseng and the liquorice having the glycyrrhizic and the glycyrrhetic acid .

These paragraphs, however, do not show a synergism, i.e. more than additive effect of the combination of the two components.

Therefore, Applicant is asked to submit additional experimental data, which show the antidepressive effects of the single components, i.e. of a ginseng water extract or a ginseng ethanol ethanol extract and of a glycyrrhizic acid or a glycyrrhetic acid *separately*, as well as the more than additive (i.e. synergistic) antidepressive effect of the two components *in combination*.

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Date 20.07.2012  
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Sheet 2  
Feuille

Anmelde-Nr:  
Application No: 09 157 704.9  
Demande n°:

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In the meantime, the objection concerning lack of inventive merits according to Article 56 EPC in view of the documents D 1 - D 7 as cited in the European Search Report for the reasons as specified in the corresponding Search Opinion is maintained, as long as the alleged synergistic effect is not verified by further experimental data.

The above mentioned objections should be overcome by suitable amendment or explanation. If not, refusal of the application (Art. 97 (2) EPC) should be expected.

Adaptation of the description (Rule 42 (1) EPC) can be postponed until an agreement about the claims is reached.