

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	US 2002/058864 A1 (MANSFIELD JAMES R [US] ET AL) 16 May 2002 (2002-05-16) * paragraphs [0042], [0046], [0054]; claim 1; figures 1-3 *	1-18	INV. A61B5/00
A	WO 00/74562 A (HUTCHINSON TECHNOLOGY [US]) 14 December 2000 (2000-12-14) * claim 1; figures 4,5 *	1-18	
A	EP 0 722 691 A (BOEHRINGER MANNHEIM GMBH [DE]) 24 July 1996 (1996-07-24) * claims 1,2; figures 1a,1b *	1-18	
A	WO 01/82794 A (INSTRUMENTATION METRICS INC [US]) 8 November 2001 (2001-11-08) * claim 21; figures 1,2 *	1-18	
A	US 6 253 097 B1 (ARONOW KURT A [US] ET AL) 26 June 2001 (2001-06-26) * claim 1; figures 2,8 *	1-18	
A	US 4 830 014 A (GOODMAN DAVID E [US] ET AL) 16 May 1989 (1989-05-16) * claim 1; figure 6 *	1-18	
A	JP 05 317295 A (OMRON TATEISI ELECTRONICS CO) 3 December 1993 (1993-12-03) * abstract *	1-18	TECHNICAL FIELDS SEARCHED (IPC) A61B
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 Berlin		Date of completion of the search 20 November 2008	Examiner Bernas, Yves
CATEGORY OF CITED DOCUMENTS		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	
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			

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: 1-18

A probe placement guide with magnetic registration means.

2. claims: 19-39, 52,72

A plug to occlude the aperture of the probe guide

3. claims: 40-51

A calibration method

1. In the following US6381489, is considered the closest prior art (CPA). US2002/0058864 or EP0722691 could also be taken as CPA.

The Application is considered lacking Unity of Invention (Art. 82 EPC) for the following reasons:

1.1.1 The first invention is the one represented by claim 1 and dependants, as defined on p. 16 l. 13- 24 of the description: summarized as: a probe placement guide with magnetic registration means.

This first subject-matter solves the problem of avoiding errors in measurement due to misplacement of the probe on the skin.

1.1.2 Further the CPA discloses on Fig. 1A ,1B and 3: an optical probe placement guide 2, 2b for repeatably coupling an optical probe 100 to a targeted measurement site(Measurement site 1) comprising:

a mount 9b having a contact surface, at least a portion of said contact surface being in contact with a surface proximate said measurement site during use,
an aperture 10b, defined by said mount, adapted to receive said optical probe, wherein an area defined by said aperture comprises said measurement site,

The subject-matter of claim 1 differs from the CPA in that it comprises magnetic registration means.

Hence, this feature constitutes the first special technical feature in the sense of Rule 44 EPC.

1.2.1 The second invention is the one represented by claims 52, 72 and dependants and concerns the provision of

a plug to occlude the aperture of the guide when not in use.
The second subject-matter solves the problem of avoiding hydration fluctuation of the stratum corneum (cf. p.21, 1st paragraph)

1.2.2 Further, the CPA discloses: an apparatus for minimizing optical sampling error at a tissue measurement site due to fluctuations of

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:

surface conditions, comprising an element 2 defining a probe aperture 10b, said element providing for stabilization of the measurement site and deformation of underlying tissue without applying undue force to a targeted tissue volume.

The subject-matter of claim 52 differs from the CPA inter alia in that said apparatus does not show a removably attachable plug for occluding said aperture when it is not occluded by an optical probe. The same obviously applies to claim 72.

This feature thus constitutes the second special technical feature in the sense of Rule 44 EPC.

1.3.1 The third invention is the one represented by claim 40 and dependants, as apparent from p. 17 l. 1- 6 of the description summarized as a method of calibration.

This third subject-matter solves the problem of avoiding errors due to lack of calibration.

1.3.2 Further, the CPA does not disclose a method of compensating measurement bias by calibration as described in claim 40. Hence, the features of the claim thus constitute the third special technical features in the sense of Rule 44 EPC.

2.1 It is apparent from the above that problems addressed by the two subjects are different. Further, the solution to these problems, i.e. the technical features forming the subject-matter of each alleged invention are also different. Hence the inventions, each defined by their problem and solution are different.

2.2 Further, as apparent from the above, the special technical features are not similar nor do they correspond as required by Rule 44 EPC.

The Application lacks Unity of Invention.

3. The subject-matter of claim 19 and dependants does not comprise magnetic registration means and can therefore not be part of the first invention.

Due to the very broad meaning of the chosen wording of the claim, in particular : means for stabilizing a surface condition which appear to merely be a plug (cf. claim 28), it can either be grouped with the second invention (plug) or the third invention (the calibration). It is chosen to group it with the second invention with regard to the order of the features in the independent claim and the dependant claims.

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

EP 03 76 0324

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.

20-11-2008

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002058864	A1	16-05-2002	NONE	

WO 0074562	A	14-12-2000	AU 5499600 A	28-12-2000
			DE 60014888 D1	18-11-2004
			DE 60014888 T2	03-03-2005
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JP 5317295	A	03-12-1993	NONE	

专利名称(译)	用于体内/组织测量的光学采样接口系统		
公开(公告)号	EP1511415A4	公开(公告)日	2008-12-31
申请号	EP2003760324	申请日	2003-06-11
申请(专利权)人(译)	SENSYS MEDICAL , INC.		
当前申请(专利权)人(译)	SENSYS MEDICAL , INC.		
[标]发明人	BLANK THOMAS B ACOSTA GEORGE MATTU MUTUA MAKAREWICZ MARCY MONFRE STEPHEN L LORENZ ALEXANDER D RUCHTI TIMOTHY L		
发明人	BLANK, THOMAS, B. ACOSTA, GEORGE MATTU, MUTUA MAKAREWICZ, MARCY MONFRE, STEPHEN, L. LORENZ, ALEXANDER, D. RUCHTI, TIMOTHY, L.		
IPC分类号	A61B5/00 A61B5/01 A61B A61B1/00 A61B5/0205 A61B5/145 A61B5/1455 A61K9/00 G01N21/01 G01N21/35		
CPC分类号	A61B5/0059 A61B5/0071 A61B5/0075 A61B5/01 A61B5/061 A61B5/14532 A61B5/1455 A61B5/1495 A61B5/6824 A61B5/6833 A61B5/6843 A61B2560/0233 A61B2562/12 A61B2562/146		
优先权	10/170921 2002-06-12 US		
其他公开文献	EP1511415A2		
外部链接	Espacenet		

摘要(译)

光学采样接口系统最小化并补偿由采样变化和测量位置状态波动引起的误差。部件包括：具有孔(202)的光学探针放置引导件(200)，其中接收光学探针，有利于组织测量部位表面上的可重复放置精度，对表面组织具有最小的，可重复的干扰。该孔产生组织穹月面，其最小化由于表面不规则引起的干扰并控制采样的组织体积的变化；放置在组织穹月面上的闭塞元件(204)将穹月面与环境波动隔离，从而稳定现场的水合作用，从而稳定表面张力；光学耦合介质消除了皮肤表面和光学探针之间的气隙；偏差校正元件将偏差校正应用于光谱测量和相关的分析物测量。更换指南后，将确定使用新放置进行的测量的新偏差校正。

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Place of search	Date of completion of the search		Examiner
Berlin	20 November 2008		Bernas, Yves
CATEGORY OF CITED DOCUMENTS			
<ul style="list-style-type: none"> X: particularly relevant if taken alone Y: particularly relevant if combined with another A: technical background document Z: non-written document P: intermediate document 		<ul style="list-style-type: none"> T: theory or principle underlying the invention E: earlier patent document, not published on, or after, the filing date D: document cited in the application L: document cited for other reasons A: member of the same patent family, corresponding document 	