



**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 63 of the European Patent Convention EP 02 74 3705 shall be considered, for the purposes of subsequent proceedings, as the European search report

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	BLOOM E A: "Identification of TRP2 as a tumor rejection antigen for the B16 melanoma" JOURNAL OF EXPERIMENTAL MEDICINE, TOKYO, JP, vol. 183, no. 3, 3 February 1997 (1997-02-03), pages 453-459, XP002133803 ISSN: 0022-1007 * abstract *	31	INV. G01N33/53 C07K7/06
A	----- WO 00/23053 A (ALBANI SALVATORE [US]) 27 April 2000 (2000-04-27) * the whole document * -----	1-18, 31-34	
			TECHNICAL FIELDS SEARCHED (IPC)
			G01N
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
<b>INCOMPLETE SEARCH</b>			
The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:			
Claims searched completely :			
Claims searched incompletely :			
Claims not searched :			
Reason for the limitation of the search: see sheet C			
Place of search Munich		Date of completion of the search 4 November 2008	Examiner Fleitmann, J
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			



**INCOMPLETE SEARCH  
SHEET C**

Application Number  
EP 02 74 3705

Claim(s) not searched:  
20-25,27-28,30,35,36

Reason for the limitation of the search:

Claims 20-25,27-28,30,35,36 do not meet the requirements of Article 84 EPC in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved.

Such a definition is only allowable under the conditions elaborated in the Guidelines C-III, 4.10. In this instance, however, such a formulation is not allowable because the functional statements do not enable the skilled person to reduce to practice a definition of the claimed subject-matter because the compounds claimed have potentially limitless structural possibilities. Thus there is absolutely no limit to the structural variation in the compounds which might act as antigens that induces antigen-specific T cells.

According to Article 83 and Rule 42(1)(c) EPC, (see also Guidelines C-II, 4.1, 4.6, 4.16) the claim must contain sufficient technical disclosure of the solution to the problem, which is not the case here as no effective pointer to the identity of the compounds is provided.

### 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:

Invention 1: claims 1-18,31,32-34 (in part)

Detection of antigen-specific T cells or antigen, that reacts with antigen specific T cells comprising frequent stimulation of T cells without newly adding antigen-presenting cells (APC) to the peripheral blood mononuclear cells (PBMC). And use of PBMC stimulated with an antigen frequently without adding new APC for the preparation of a tailored pharmaceutical composition.

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Invention 2: claims 19,29, 32-34 (in part)

A tailored pharmaceutical composition comprising an antigen.

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Invention 3: claim 26 (in part for SEQ ID NO 1)

A tailored pharmaceutical composition comprising an antigen represented by SEQ ID NO: 1.

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Inventions 4-33: claim 26 (in part for respective SEQ ID NO)

A tailored pharmaceutical composition comprising an antigen represented by SEQ ID NO: 2-30.

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Invention 34: claim 37

Method detecting allergy using a non-mutating autoantigen peptide.

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Invention 35: claim 38

Use of a non-allergic peptide derived from an allergic peptide-retaining antigen for the preparation of a vaccine for inhibiting allergy.

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Article 82 EPC in conjunction with Rule 44 EPC demands that the European patent application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Rule 44 EPC demands that Article 82 EPC shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same corresponding special technical features. The expression "special technical features" shall mean those technical features that define the contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The alleged unifying concept could reside in an antigen, which is known



**LACK OF UNITY OF INVENTION  
SHEET B**

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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:

from the prior art for decades. No other technical features could be identified that form a technical relationship among each of the separate inventions claimed and which could be considered as a special technical feature within the meaning of Rule 44 EPC. Thus the present application lacks unity a priori.

Moreover tailored pharmaceutical compositions comprising SART-derived peptides are known from EP 1116791 (p.3, par.8, SEQ ID No:27, ex.8).

Therefore the present application lacks unity also a posteriori.

In view of the prior art, the underlying problem for the group of inventions 2-33 can be formulated as the provision of an alternative pharmaceutical composition comprising a peptide antigen.

This problem is solved individually by each peptide characterised by SEQ ID NO: 1-30.

According to the argumentation outlined above 35 inventions were identified.

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

EP 02 74 3705

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.

04-11-2008

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0023053 A	27-04-2000	AU 774442 B2	24-06-2004
		AU 1129300 A	08-05-2000
		AU 2004218655 A1	04-11-2004
		CA 2345277 A1	27-04-2000
		EP 1123086 A2	16-08-2001
		JP 2002527467 T	27-08-2002
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专利名称(译)	检测细胞免疫的方法及其在药物中的应用		
公开(公告)号	<a href="#">EP1473564A4</a>	公开(公告)日	2008-12-10
申请号	EP2002743705	申请日	2002-06-24
[标]申请(专利权)人(译)	伊藤KYOGO		
申请(专利权)人(译)	伊藤, KYOGO		
当前申请(专利权)人(译)	伊藤, KYOGO		
[标]发明人	ITOH KYOGO HIDA NAOYA		
发明人	ITOH, KYOGO HIDA, NAOYA		
IPC分类号	G01N33/50 G01N33/53 C07K7/06		
CPC分类号	A61K39/0011 A61K39/35 G01N33/5011 G01N33/505 A61K39/001178		
代理机构(译)	法思博事务所		
优先权	2001283413 2001-09-18 JP		
其他公开文献	EP1473564A1		
外部链接	<a href="#">Espacenet</a>		

### 摘要(译)

目的是提供一种方便的免疫监测系统，由此可以通过使用相对少量的血液来测定针对多种抗原肽的特异性T细胞频率。收集外周单核细胞并经常用抗原刺激，而无需直接使用任何抗原呈递细胞。然后，检测在如此刺激的外周单核细胞中对抗原具有特异性的T细胞，从而检测出抗原特异性T细胞。因此，可以使用具有这种功能的肽，特别是癌症抑制肿瘤抗原肽来预防或治疗诸如癌症的疾病。

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The applicant's search has been based on the last set of claims valid at the filing date of the application.			
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Claims searched completely:			
Claims searched incompletely:			
Claims not searched:			
Reason for the limitation of the search: see sheet C			
Place of search		Date of completion of the search	
Munich		4 November 2008	
		Fleishmann, J	
CATEGORY OF CITED DOCUMENTS			
<ul style="list-style-type: none"> <li>X: particularly relevant if taken alone</li> <li>Y: particularly relevant if combined with another document of the same category</li> <li>A: technological background</li> <li>C: non-written literature</li> <li>P: intermediate document</li> </ul>		<ul style="list-style-type: none"> <li>I: theory or principle underlying the invention</li> <li>E: earlier patent document, for prior art only, or after the filing date</li> <li>D: document cited in the application</li> <li>C: document cited for other reasons</li> <li>A: member of the same patent family, corresponding document</li> </ul>	