European Patent Office

SUPPLEMENTARY EUROPEAN SEARCH REPORT

Application Number
EP 05 73 6034

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 2004/025298 A (UNIV FLORIDA [US]) 25 March 2004 (2004-03-25) * abstract; claims 1,4; example 5 * * page 7, line 28 - line 30 * -----	1-4, 9-19, 32-43	INV. G01N33/53 C12Q1/68
X	NATH R ET AL: "Non-erythroid alpha-spectrin breakdown by calpain and interleukin 1 beta-converting-enzyme-like protease(s) in apoptotic cells: contributory roles of both protease families in neuronal apoptosis." THE BIOCHEMICAL JOURNAL 1 NOV 1996, vol. 319 (Pt 3), 1 November 1996 (1996-11-01), pages 683-690, XP002484756 ISSN: 0264-6021 * abstract * * page 684, right-hand column, paragraph 3 * -----	1-4, 9-19, 32-43	
A	SAIDO T C ET AL: "Spatial resolution of fodrin proteolysis in postischemic brain." THE JOURNAL OF BIOLOGICAL CHEMISTRY 25 NOV 1993, vol. 268, no. 33, 25 November 1993 (1993-11-25), pages 25239-25243, XP002484757 ISSN: 0021-9258 * abstract; figure 2 * -----	1-4, 9-19, 32-43	TECHNICAL FIELDS SEARCHED (IPC) G01N C12Q

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	Date of completion of the search	Examiner
Munich	18 June 2008	Weijland, Albert

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 03.82 (P04C04)

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CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims 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 the first ten claims.

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).

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LACK OF UNITY OF INVENTION SHEET B

Application Number
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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:

1. claims: 1-4, 9-19, 32-43 (partially)

   Detecting and diagnosing neural injury and/or neural disorders using aII spectrin as protein biomarker and compositions and kits therefore

   ---

2. claims: 1-4, 9-19, 32-43

   Detecting and diagnosing neural injury and/or neural disorders using SPDB-1 as protein biomarker and compositions and kits therefore

   ---

3. claims: 1-4, 9-19, 32-43

   Detecting and diagnosing neural injury and/or neural disoreders using NF-68 as protein biomarker and compositions and kits therefore

   ---

4. claims: 1-4, 9-19, 32-43

   Detecting and diagnosing neural injury and/or neural disorders using Tau-3 as protein biomarker and compositions and kits therefore.

   ---

5. claims: 1-43

   inventions 5 to X represent each induvidual biomarker mentioned in the present claims and each desired combination of biomarkers proposed

   ---

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

The broadly defined features "detection of one or more protein biomarkers with a diagnosis of neural injury and/or neural disorders" by using as biomarker "axonal proteins" of claim 1 are known from document D1 (WO2004025298) and therefore there is no technical relationship that "axonal proteins" can form with all the other biomarkers mentioned in the present claims as basis for a common inventive concept.

Neither this nor any corresponding technical feature is present, so that a technical relationship between the biomarkers can form an inventive concept (Rule 44 EPC) and the requirement for unity of invention referred to in Article 82 EPC is not fulfilled.

In accordance with Rule 164(1) EPC the supplementary search report

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:

has been drawn up on those parts of the application which relate to the invention, or group of inventions, first mentioned in the claims, i.e. the axonal protein aII spectrin.

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 05 73 6034

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.

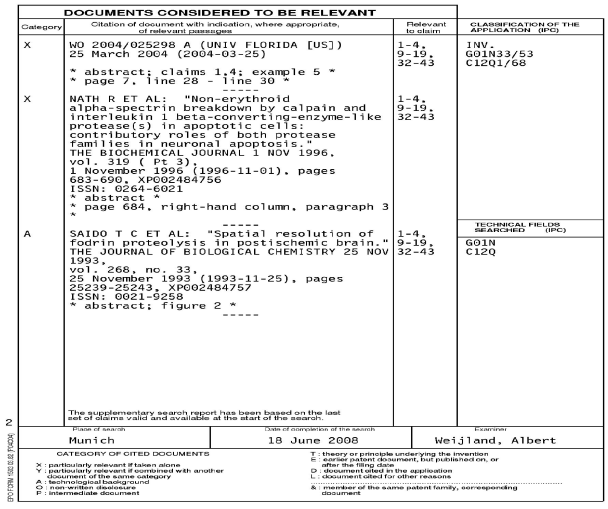
18-06-2008

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2004025298 A	25-03-2004	AU 2003270509 A1	30-04-2004
		CA 2498614 A1	25-03-2004
		EP 1546717 A1	29-06-2005
		JP 2005538380 T	15-12-2005

专利名称(译)	神经蛋白作为神经系统损伤和其他神经疾病的生物标志物		
公开(公告)号	EP1745149A4	公开(公告)日	2008-08-06
申请号	EP2005736034	申请日	2005-04-15
[标]申请(专利权)人(译)	佛罗里达大学研究基金会有限公司		
申请(专利权)人(译)	佛罗里达州研究基金会大学，收编		
当前申请(专利权)人(译)	佛罗里达州研究基金会大学，收编		
[标]发明人	HAYES RONALD WANG KA WANG KEVIN LIU MING CHEN OLI MONIKA		
发明人	HAYES, RONALD WANG, KA-WANG, KEVIN LIU, MING-CHEN OLI, MONIKA		
IPC分类号	C12Q1/68 G01N33/53 G01N33/537 G01N33/543 G01N33/68		
CPC分类号	C12Q1/6883 G01N33/6896 G01N2800/28 G01N2800/52		
优先权	60/562944 2004-04-15 US		
其他公开文献	EP1745149A2		
外部链接	Espacenet		

摘要(译)

本发明鉴定了诊断神经细胞损伤和/或神经元病症的生物标志物。检测本发明的不同生物标志物还可以诊断神经损伤的严重程度，涉及损伤的细胞和损伤的亚细胞定位。



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L : document cited for other reasons
& : member of the same patent family, corresponding document