European Patent Office

SUPPLEMENTARY EUROPEAN SEARCH REPORT

Application Number
EP 03 74 3713

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
P,X	OH E H ET AL: "CLINICAL LABORATORY PERFORMANCE OF THE FIBROSPECT SERODIAGNOSTIC TEST FOR THE DETECTION OF LIVER FIBROSIS" HEPATOLOGY, WILLIAMS AND WILKINS, BALTIMORE, MD, US, vol. 36, no. 4, PART 02, 1 October 2002 (2002-10-01), page 566A,ABSTR.NO.1611, XP008053458 ISSN: 0270-9139 * abstract *	1-53	INV. A61K6/00
P,X	PATEL K ET AL: "EVALUATION AND OPTIMIZATION OF A PANEL OF SERUM MARKERS FOR LIVER FIBROSIS IN CHRONIC HEPATITIS C PATIENTS" GASTROENTEROLOGY, ELSEVIER, PHILADELPHIA, PA, vol. 123, no. 1, SUPPL, 1 July 2002 (2002-07-01), page 48, XP008053514 ISSN: 0016-5085 * abstract *	1-53	TECHNICAL FIELDS SEARCHED (IPC) G01N
P,X	ZAMAN A ET AL: "ASSESSMENT OF PANEL OF SERUM MARKERS FOR HEPATIC FIBROSIS IN PATIENTS WITH CHRONIC HEPATITIS C" HEPATOLOGY, WILLIAMS AND WILKINS, BALTIMORE, MD, US, vol. 4, no. PART 02, 1 October 2002 (2002-10-01), page 558A,ABSTR.NO.1580, XP008053459 ISSN: 0270-9139 * abstract *	1-53	
A	WO 00/52479 A (UNIV IOWA RES FOUND [US]; HAGEMAN GREGORY S [US]; MULLINS ROBERT F [US) 8 September 2000 (2000-09-08) * the whole document *	1-53	

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	4 August 2008	Lüdemann, Susanna

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 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).

European Patent Office

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: 1-53

A method of diagnosing liver fibrosis comprising measuring at least 3 markers, such as alpha2-macroglobulin, hyaluronic acid and tissue inhibitor of metalloproteinases-1.

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2. claims: 54-74

Independent claims 54, 65 and 72 have in common : a method of diagnosing liver fibrosis comprising at least a first and a second fibrotic marker, X and Y, in relation to not further defined cut-off values and without further specification of the marker.

The two inventions lack unity a posteriori. The first method is a method of diagnosing liver fibrosis based on three specific markers. The second method is a method of diagnosing liver fibrosis based on any two markers in relation to a not further defined cut-off value.
The common concept of the two groups of inventions could also be seen as a method of diagnosing liver fibrosis comprising at least any two fibrotic markers. This common concept is so broad that it is anticipated by all the documents cited in the ISR. Methods of diagnosing liver fibrosis based on different markers are well known in the art (see all documents cited in the ISR). Methods comprising e.g. 2 markers are anticipated by the document XP001019695 (see abstract and table I), in which serum levels of 7S collagen and type IV collagen are measured for the diagnosis of hepatic fibrosis.
The problem to be solved by the first invention can be seen as an alternative or improved method of predicting liver fibrosis. The alleged solution to it seems to be in the combination of the three markers. The problem to be solved of the second invention appears to be the improvement of the performance characteristics of a method for predicting liver fibrosis. This analysis demonstrates that the subject-matter of the two groups of claims is also not linked by providing a solution to a common problem. In conclusion, neither the technical features in common to the groups of claims nor the problem solved by each of the two groups of claims provides a corresponding special technical feature which establishes a common general inventive concept linking the two sets of claims. Therefore, a technical relationship between the subject-matter of the sets of claims is lacking and the requirement for unity of invention referred to in Art. 82 and R. 30 EPC is not fulfilled.

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 03 74 3713

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.

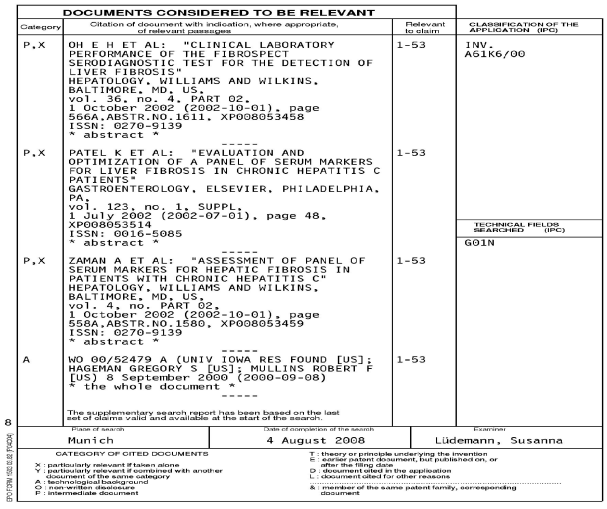
04-08-2008

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0052479 A	08-09-2000	AU 3395800 A	21-09-2000
		CA 2363503 A1	08-09-2000
		EP 1161686 A2	12-12-2001

专利名称(译)	诊断肝纤维化的方法		
公开(公告)号	EP1487395A4	公开(公告)日	2008-09-10
申请号	EP2003743713	申请日	2003-02-28
[标]申请(专利权)人(译)	普罗米修斯实验室		
申请(专利权)人(译)	普罗米修斯实验室，INC.		
当前申请(专利权)人(译)	普罗米修斯实验室，INC.		
[标]发明人	ROSE STEVEN L OH ESTHER H WALSH MICHAEL J		
发明人	ROSE, STEVEN, L. OH, ESTHER, H. WALSH, MICHAEL, J.		
IPC分类号	G01N33/53 G01N33/576 G01N33/543 G01N33/569 G01N33/573 G01N33/68 G01N33/96 A61K6/00		
CPC分类号	G01N33/5767 G01N33/6893 G01N2333/4713 G01N2333/8107 G01N2333/8146 G01N2800/085 G01N2800/52 Y02A90/24 Y02A90/26 Y10S436/811 Y10S436/82 Y10S706/924 Y10T436/143333		
代理机构(译)	UEXKÜLL & STOLBERG		
优先权	10/087188 2002-02-28 US		
其他公开文献	EP1487395A2 EP1487395B1		
外部链接	Espacenet		

摘要(译)

本发明提供了通过检测来自个体的样品中的α2-巨球蛋白（α2-MG）来诊断个体肝纤维化的存在或严重性的方法。检测来自个体的样品中的透明质酸（HA）;检测个体样品中金属蛋白酶-1（TIMP-1）的组织抑制剂;并基于α2-MG，HA和TIMP-1的存在或水平诊断个体中肝纤维化的存在或严重性。



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