



Claim(s) not searched:
47,48

Reason for the limitation of the search (non-patentable invention(s)):

Article 52 (4) EPC - Method for treatment of the human or animal body by surgery

Article 52 (4) EPC - Method for treatment of the human or animal body by therapy

Claims 47, 48 relate to a method for automated analyte monitoring or automated pharmaceutical agent delivery respectively. Both claims comprise the step of extending a microneedle and thereby piercing the skin, it follows that this amounts to a method of surgery. Furthermore, the method of claim 48 is therapeutical as it comprises the step of delivering the pharmaceutical agent.



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: 1-19, 34-44 (part), 45, 46

An analyte monitoring device according to claims 1 and 45.

2. claims: 20-33, 34-44 (part)

A pharmaceutical agent delivery device operable to deliver a pharmaceutical agent to a subject according to claim 20.

The prior art has been identified as document D1: WO 02/00101 A (SARNOFF CORP [US]) 3 January 2002

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

Invention 1 (claims 1-19, 34-44 (part), 45, 46):

The document D1 discloses (the references in parentheses applying to this document): an analyte monitoring device (see title) operable to draw a fluid sample from a subject, the device comprising: a first plurality of microneedles (p. 4/l. 3-5, (53)), a plurality of monitoring microchannels (p. 5/l. 25-27), and wherein each monitoring microchannel is associated with a reagent (p. 5/l. 27-28), at least one actuator (p. 5/l. 22-24) operable to extend each microneedle to draw the fluid sample from the subject, and a controller (p. 4/l. 14-16) operable to initiate analyte testing of the fluid sample. Therefore, the following common feature of claims 1, 45 can be seen to make a contribution over this prior art (special technical features, Rule 30 EPC):

- each of the first plurality of microneedles is at least intermittently in fluid communication with a corresponding monitoring microchannel,

From this special technical feature, the common objective problem to be solved can be seen in providing an additional microchannel thereby increasing the flexibility for spatially separated withdrawal and analysis of a fluid.

Invention 2 (claims 20-33, 34-44 (part)):

From the comparison of the subject matter of claim 20 with the apparatus disclosed in D1, the following features can be seen to make a contribution over this prior art:

- pharmaceutical agent delivery device operable to deliver a pharmaceutical agent to a subject;
- wherein each pharmaceutical agent delivery microchannel is at least partially filled with a pharmaceutical agent

From this special technical feature, the objective problem to be solved can be seen in delivering a pharmaceutical agent.

The inventions 1, 2 therefore do not specify special technical features in the meaning of Rule 30(1) EPC, which are in common to the inventions, so that no technical relationship exists between the different subject-matters. Accordingly, the claims contain two groups of separate



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:

inventions which are not so linked as to form a single general inventive concept.

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

EP 03 71 0880

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.

12-10-2007

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
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			US 2003135333 A1	17-07-2003
			US 2002087056 A1	04-07-2002

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			EP 1187653 A2	20-03-2002

专利名称(译)	自主，动态分析物监测器或药物输送设备		
公开(公告)号	EP1480710A4	公开(公告)日	2008-06-25
申请号	EP2003710880	申请日	2003-02-07
[标]申请(专利权)人(译)	珀丽医疗		
申请(专利权)人(译)	珀丽MEDICAL，INC.		
当前申请(专利权)人(译)	珀丽MEDICAL，INC.		
[标]发明人	ACETI JOHN GREGORY MCBRIDE STERLING EDUARD MORONEY RICHARD MORGAN III GREGORY CHRISTOPHER CARTER ZANZUCCHI PETER JOHN		
发明人	ACETI, JOHN, GREGORY MCBRIDE, STERLING, EDUARD MORONEY, RICHARD, MORGAN, III GREGORY, CHRISTOPHER, CARTER ZANZUCCHI, PETER, JOHN		
IPC分类号	A61B5/15 A61B5/00 A61B5/145 A61B5/155 A61B5/157 A61M5/20 A61M5/32 A61M37/00 G01N33/49		
CPC分类号	A61B5/150984 A61B5/1411 A61B5/14514 A61B5/14532 A61B5/14546 A61B5/1455 A61B5/150022 A61B5/150076 A61B5/150213 A61B5/150389 A61B5/150503 A61B5/150526 A61B5/150755 A61B5/ /15087 A61B5/150969 A61B5/15109 A61B5/15119 A61B5/15123 A61B5/15146 A61B5/15153 A61B5/ /15163 A61B5/155 A61B5/157 A61B5/681 A61B5/6833 A61B2560/0412 A61B2560/0443 A61M37/0015 A61M2037/0023 A61M2037/0038 A61M2209/088 A61M2230/201 G01N33/491		
代理机构(译)	法思博事务所		
优先权	10/131268 2002-04-23 US 60/355195 2002-02-08 US		
其他公开文献	EP1480710A2 EP1480710B1		
外部链接	Espacenet		

摘要(译)

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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	WO 02/00101 A (SARNOFF CORP [US]) 3 January 2002 (2002-01-03)	1-19, 34-44 45	INV. A61M31/00
A	* page 4, line 3 - line 18 * * page 5, line 22 - page 6, line 2 * * page 11, line 12 - page 16, line 13 *		
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A	US 5 801 057 A (SMART WILSON H [US] ET AL) 1 September 1998 (1998-09-01) * column 3, line 32 - line 43 * * column 4, line 36 - column 5, line 16 *	1,45	
A	WO 00/74763 A (GEORGIA TECH RES INST [US]) 14 December 2000 (2000-12-14) * abstract *	45	TECHNICAL FIELD SEARCHED (IPC) A61B
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