



European Patent
Office

**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 02 77 8910 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 (Int.Cl.7)
X	US 5 582 985 A (THOMPSON ET AL) 10 December 1996 (1996-12-10) * the whole document * * examples 4,2 *	1-27, 29-36	C12N15/09 C12N5/06 C12N5/10 C12Q1/68 G01N33/53 G01N33/50
X	ARNOLDI J ET AL: "Species-specific assessment of Mycobacterium leprae in skin biopsies by in situ hybridization and polymerase chain reaction" LABORATORY INVESTIGATION, UNITED STATES AND CANADIAN ACADEMY OF PATHOLOGY, BALTIMORE,, US, vol. 66, no. 5, May 1992 (1992-05), pages 618-623, XP002109095 ISSN: 0023-6837 * the whole document * * page 622 *	1-27, 29-36	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			G01N C12N C12Q
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
INCOMPLETE SEARCH			
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		Date of completion of the search	Examiner
The Hague		11 April 2005	Jenkins, G
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	

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EPO FORM 1503 03.02 (P04C20)



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	<p>KEDZIERSKA KATHERINE ET AL: "Granulocyte-macrophage colony-stimulating factor augments phagocytosis of Mycobacterium avium complex by human immunodeficiency virus type 1-infected monocytes/macrophages in vitro and in vivo" JOURNAL OF INFECTIOUS DISEASES, vol. 181, no. 1, January 2000 (2000-01), pages 390-394, XP002323636 ISSN: 0022-1899 * the whole document * * page 391, column 1, paragraph 5 - page 391, column 2, paragraph 2 *</p> <p style="text-align: center;">-----</p>	1-6	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
X	<p>HEINE J ET AL: "Anaesthesia with propofol decreases FMLP-induced neutrophil respiratory burst but not phagocytosis compared with isoflurane" BRITISH JOURNAL OF ANAESTHESIA, vol. 85, no. 3, September 2000 (2000-09), pages 424-430, XP002323637 ISSN: 0007-0912 * the whole document * * page 426, column 1, paragraph 2 *</p> <p style="text-align: center;">-----</p> <p style="text-align: right;">-/--</p>	1-6	



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	<p>CHEN SHIH-CHU ET AL: "Electron microscope studies of the in vitro phagocytosis of Mycobacterium spp. by rainbow trout Oncorhynchus mykiss head kidney macrophages"</p> <p>DISEASES OF AQUATIC ORGANISMS, vol. 32, no. 2, 5 March 1998 (1998-03-05), pages 99-110, XP008045324 ISSN: 0177-5103</p> <p>* the whole document *</p> <p>* page 100, column 2 - page 101, column 1 *</p> <p>* figure 1 *</p> <p style="text-align: center;">-----</p>	1-6, 21-27, 33-35	
X	<p>KOLB-MAEURER A ET AL: "Listeria monocytogenes-infected human dendritic cells: Uptake and host cell response"</p> <p>INFECTION AND IMMUNITY, AMERICAN SOCIETY FOR MICROBIOLOGY, WASHINGTON, US, vol. 68, no. 6, June 2000 (2000-06), pages 3680-3688, XP002306819 ISSN: 0019-9567</p> <p>* the whole document *</p> <p>* figure 1 *</p> <p style="text-align: center;">-----</p>	1-6, 21-27, 33-35	TECHNICAL FIELDS SEARCHED (Int.Cl.7)
X	<p>MATSUHISA AKIKO ET AL: "Detection of bacteria in phagocyte-smears from septicemia-suspected blood by in situ hybridization using biotinylated probes"</p> <p>MICROBIOLOGY AND IMMUNOLOGY, TOKYO, JP, vol. 38, no. 7, 1994, pages 511-517, XP002956568 ISSN: 0385-5600</p>	7-20, 25-27, 29-36	
A	<p>* the whole document *</p> <p style="text-align: center;">-----</p>	1-6	



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: 1-5 [full], 6[partial]

Process for producing a phagocyte which has digested a foreign microorganism involving contacting a phagocyte in vitro with a foreign microorganism.

2. claims: 7,30 [full], 6,9-20,22-28,31-36 [partial]

Process for detecting or identifying a digested foreign microorganism in a phagocyte produced according to invention 1 by in situ hybridisation of the microorganism DNA in the phagocyte.

3. claims: 8,29 [full], 6,9-20,22-28,31-36 [partial]

Process for evaluating phagocytic function in a phagocyte produced according to invention 1 by in situ hybridisation of the microorganism DNA in the phagocyte.

4. claims: 21 [full], 6,22-28,33-35 [partial]

Process for evaluating phagocytic function in a phagocyte produced according to invention 1 by in situ staining a phagocyte with a dye.



Although claims 23,24,28,30-35 relate to a method of surgery and a method of diagnosis practised on the human or animal body, the claims have been searched as if the step "isolating/obtaining phagocytes from a subject" had been already been performed prior to the start of the claimed method.

Claim(s) searched incompletely:
23,24,30-35

Claim(s) not searched:
28

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

Claims 23,24,28,30-35

Article 52 (4) EPC - Diagnostic method practised on the human or animal body

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

Claims 28,33-35

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

Further limitation of the search

Claim(s) searched incompletely:
30

Reason for the limitation of the search:

For the purposes of this search, the kit referred to in claim 30 is assumed to be that of claim 36. This is because claim 30 relates to a kit but does not specify the components of the kit. Thus, the subject-matter of claim 30 demonstrably lacks clarity (Article 84).



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:

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

EP 02 77 8910

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 above-mentioned patent documents. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

11-04-2005

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5582985 A	10-12-1996	CA 2192980 A1	15-02-1996
		EP 0774013 A1	21-05-1997
		JP 10503655 T	07-04-1998
		WO 9604402 A1	15-02-1996

专利名称(译)	评估吞噬细胞功能的方法及其利用		
公开(公告)号	EP1403369A4	公开(公告)日	2005-06-15
申请号	EP2002778910	申请日	2002-05-27
申请(专利权)人(译)	扶桑制药工业有限公司.		
当前申请(专利权)人(译)	扶桑制药工业有限公司.		
[标]发明人	OHNO TSUNEYA MATSUHISA AKIO KESHI HIROYUKI ABE KANAKO SUGIMOTO NORIHIKO UEYAMA HIROSHI EDA SOJI UEHARA HIROTSUGU IWAMI TAKAHISA YAMAMOTO SEIJI ARAKI HIROMASA		
发明人	OHNO, TSUNEYA MATSUHISA, AKIO KESHI, HIROYUKI ABE, KANAKO SUGIMOTO, NORIHIKO UEYAMA, HIROSHI EDA, SOJI UEHARA, HIROTSUGU IWAMI, TAKAHISA YAMAMOTO, SEIJI ARAKI, HIROMASA		
IPC分类号	C12Q1/68 G01N33/50 C12N15/09 C12N5/06 C12N5/10 G01N33/53		
CPC分类号	G01N33/5047 C12Q1/6841 C12Q1/689 G01N33/5005		
代理机构(译)	加德纳 , REBECCA		
优先权	2001165954 2001-05-31 JP		
其他公开文献	EP1403369A1		
外部链接	Espacenet		

摘要(译)

通过体外接触吞噬细胞与外来微生物并分离接触的吞噬细胞制备消化的吞噬细胞;生产它的过程;以及公开了使用它们的方法和试剂盒。提供了一种实验模型,其能够体外评估吞噬细胞的吞噬功能。

DOCUMENTS CONSIDERED TO BE RELEVANT			
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X	US 5 582 985 A (THOMPSON ET AL) 10 December 1996 (1996-12-10) * the whole document * * examples 4,2 *	1-27, 29-36	C12N15/09 C12N5/06 C12N5/10 C12Q1/68 G01N33/53 G01N33/50
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			TECHNICAL FIELD OR SEARCHED
			G01N C12N C12Q
The supplementary search report has been based on the last set of claims valid and available at the date of the search.			
INCOMPLETE SEARCH			
The Search Division considers that the present application, or some or all of its claims, do not comply with the EPC in so far as they do not meet the requirements of the state of the art cannot be carried out, or can only be carried out partially, for the following reasons:			
Claims searched completely:			
Claims not searched:			
Reason for the limitation of the search: see sheet C			
4	Date of search		Date of completion of the search
	The Hague		11 April 2005
		Inventor	
		Jenkins, G	
CATEGORY OF CITED DOCUMENTS		I: theory or principle underlying the invention E: earlier patent documents, for published or, or with the filing date D: document cited in the application L: document cited for other reasons & / number of the same patent family, corresponding document	
<ul style="list-style-type: none"> ☑ particularly relevant of same nature ☐ particularly relevant to opposing with another ☐ relevant to the state of the art A: technological background ☐ non-relevant document ☐ intermediate document 			