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Formalities officer
Foral, Christine

1st Examiner
Name: Fayos, Cecile
Tel: +49 89 2399 - 2180

Kilger, Ute
Boehmert & Boehmert
Anwaltspartnerschaft mbB
Pettenkoferstrasse 22
80336 München
ALLEMAGNE

Application No.	Ref.	Date
20 764 639.9 - 1109	T75093WOEP	14-03-2025
Applicant: 4TEEN4 Pharmaceuticals GmbH		

BRIEF COMMUNICATION

Oral Proceedings on 08.05.2025 at 09:00 hrs (CET), by videoconference.

Subject: Your letter(s) received on 05.03.2025

The oral proceedings will be held as previously scheduled.

The reasons are given on enclosed EPO Form 2906

Please take note.

For the Examining Division

Annexes:
Applicants not using the Mailbox can access patent literature via Espacenet
EPO Form 2906

Registered Letter

The submissions made by the applicant on 05.03.2025 have been duly considered.

Oral proceedings are maintained.

The Examining Division considers the feature "a predetermined threshold, that is between 25 and 150 ng/ml for plasma DPP3" to lack clarity, contrary to the requirements of Art. 84 EPC, as it results in a constant shifting of the scope of the claim. For example, when the level is "26", one is at the same time above the threshold value of 25 but still within the range of between 25 and 150 ng/ml for plasma DPP3.

The Examining Division is however of the opinion that no specific threshold value needs to be specified in the claims. In fact, as explicitly indicated in the summons, what is missing is an indication as to how such a threshold value is to be determined.

From the passages on page 18 lines 4-24 (see also page 20 lines 9-13), it can for example be derived that the predetermined threshold value is obtained by measuring DPP3 levels in samples from normal healthy subjects. Replacing "that is between 25 and 150 ng/ml for plasma DPP3" by the corresponding expression could potentially overcome both the objection as to lack of clarity raised in the present communication as well as the objection as to lack of sufficient disclosure raised in the summons.

The applicant is thus invited to amend claims 1 and 10 accordingly.

It is noted that this suggestion is made only for assisting the applicant in deciding how to proceed. It in no way precludes consideration of alternative solutions submitted by the applicant. The responsibility for determining the text of the application (Article 113(2) EPC) and, in particular, for defining the subject-matter for which protection is sought remains with the applicant.

Once the claims are re-drafted, they would then be considered to relate to patentable subject matter and a carefully adapted description should be provided. Oral proceedings could then be cancelled and the application could proceed to grant.

An adapted description should fulfill the following requirements:
The technical field of the invention (Rule 42(1)(a) EPC; Guidelines F-II.4.2) must correspond to the amended set of claims.
The summary of the invention must correspond to the amended set of claims (Rule 42(1)(c) EPC; Guidelines F-II, 4.5). Statements such as “The invention is set out in the appended set of claims” or “The invention is as defined in claim X” may be used instead of repeating the claims verbatim.
The description and drawings should not comprise embodiments that are inconsistent with the amended claims. All occurrences of these inconsistencies must be removed

either by deleting the embodiments or by appropriately marking them so that it is clear that they do not fall within the subject-matter for which protection is sought (Guidelines F-IV, 4.3).

Features of the independent claims should not be referred to in the description as being optional using wording such as "preferably", "may" or "optionally". The description must be amended to remove such inconsistencies.

If the description comprises “claim-like” language, it must be deleted or amended to avoid claim-like language prior to grant (Guidelines F-IV, 4.4).