

Proceedings were opened at 9:02

The Chairman informed the Applicant that recording is not permitted. The Applicant confirmed that he had received the contact informations of the examining division for use in case of technical problem.

The Applicant confirmed that he requests that the patent be granted on the basis of the claims filed on 07.05.2025.

The Applicant also maintained his request that a member of the examining division should be a mathematician/statistician.

Proceedings were interrupted 09:05-09:11

The Chairman announced that the request concerning the composition of the examining division was rejected.

The Chairman noted that the present set of claims is almost identical to the claims that served as a basis for the summons to oral proceedings, and summarized the examining division's (ED) arguments under Art.83 and 84 EPC, mainly concerning the wording "predetermined threshold"

The Applicant (AP) argued that numerous patents on diagnostic methods have been granted with claims referring to a predetermined threshold, without any further feature defining this threshold. AP explained that DPP3 is an enzyme normally present in cells, but not in blood. The presence of DPP3 in blood is indicative of cell/tissue necrosis, and high levels of DPP3 cause the degradation of blood hormones and signalling proteins, which eventually leads to organ failure. AP pointed to page 18 of the description describing how a range of values of blood DPP3 was determined in healthy subjects, than to example 2 describing the range of DPP3 values obtained in patients with sepsis/septic shock or cardiogenic shock and the predictive value for increased mortality of DPP3 levels above the third quartile. In a manner similar to example 2, examples 8 and 9 show that DPP3 values in patients with septic shock (ex.8) or cardiogenic shock (ex.9) can be used for diagnosing refractory shock and are correlated with increased mortality.

AP emphasized that the application contains sufficient information for the skilled person to determine what a suitable threshold should be, and that the claims contain all essential features.

Proceedings were interrupted 10:15-11:37

Datum
Date 23.05.2025
Date

Blatt
Sheet 2
Feuille

Anmelde-Nr:
Application No: 20 764 639.9
Demande n°:

The Chairman announced that the claims fulfil the requirements of Art.83/84 EPC, as well as all the other requirements of the EPC. The AP was invited to file an adapted description.

Proceedings were interrupted 11:38-13:02

An adapted description was filed. The ED indicated that a few minor amendments were necessary, especially on page 19. The AP agreed that these amendments be introduced by the ED.

The Chairman announced that the ED intends to grant the application on the basis of the claims filed on 07.05.2025 and the description filed during oral proceedings.

Proceedings closed 13:10