

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 56104-WO-PCT	IMPORTANT DECLARATION	Date of mailing(<i>day/month/year</i>) 2 April 2015 (02-04-2015)
International application No. PCT/IB2015/050737	International filing date(<i>day/month/year</i>) 30 January 2015 (30-01-2015)	(Earliest) Priority date(<i>day/month/year</i>) 3 February 2014 (03-02-2014)
International Patent Classification (IPC) or both national classification and IPC A61M5/165, A61M5/142		
Applicant NOVARTIS AG		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
 - a. ☐ scientific theories
 - b. ☐ mathematical theories
 - c. ☐ plant varieties
 - d. ☐ animal varieties
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
 - f. ☐ schemes, rules or methods of doing business
 - g. ☐ schemes, rules or methods of performing purely mental acts
 - h. ☐ schemes, rules or methods of playing games
 - i. ☒ methods for treatment of the human body by surgery or therapy
 - j. ☒ methods for treatment of the animal body by surgery or therapy
 - k. ☐ diagnostic methods practised on the human or animal body
 - l. ☐ mere presentations of information
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
 ☒ the claims
 ☐ the drawings
3. ☐ A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).
4. Further comments:

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer ACQUAVIVA, Laure Tel: +49 (0)89 2399-5656
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203**(1) Claims 1-19**

(a) Independent method claim 1 and the respective dependent claims 2-19 are directed to methods for treatment of the human or animal body by therapy, which is excluded from patentability, Rule 39.1(iv) PCT. In particular, claims 1-19 are directed to administering a therapeutic to a patient, i.e. a human or animal body, by means of a peripheral intravenous line (cf. also e.g. paragraphs [0008]-[0021] in the description), which is used in the pertinent art for treating diseases, analgesic applications, etc.

(b) Inherently, claims 1-19 are also directed to methods for treatment of the human or animal body by surgery (Rule 39.1(iv) PCT), as it is inherently taught that the therapeutic is dispensed from outside of the body via an IV line into the blood circuit of a human or animal body via a respective access port or needle.

(2) Claim 20

Independent method claim 20 does not comprise any technical features in the sense of actually technical method steps, which would go beyond an undefined preparing of an infusion set and a step of choosing a filter from a list of identified entries. Claim 20 does not define any definition of the infusion set being specially adapted for the mentioned filters (or vice versa), which would define any particular step of e.g. embedding the filter into the infusion set. Consequently, and also in the light of preceding claims 1-19 as well as the description (see e.g. paragraph [0022] apparently associated with claim 20) and figures, which are actually directed to the actual use of the mentioned filters in an infusion set, the preparing method of claim 20 is also regarded as actually being directed to use of the mentioned filters in a generic infusion set, i.e. eventually in an administering method.

As a consequence, claim 20, as far as it can be construed in a technical manner, is also directed to a method for treatment of the human or animal body by therapy, which is excluded from patentability, Rule 39.1(iv) PCT. Inherently, claim 20 is also directed to a method for treatment of the human or animal body by surgery (Rule 39.1(iv) PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guidelines C-IV, 7.2), should the problems which led to the Article 17(2) declaration be overcome.