

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/BR2017/050085	International filing date (day/month/year) 11.04.2017	Priority date (day/month/year) 11.04.2016
International Patent Classification (IPC) or both national classification and IPC INV. A61Q3/00 A61K36/899 A61K8/73 A61K47/00 A61K9/10 A61K8/9794 A61P17/00 A61P43/00		
Applicant BIOLAB SANUS FARMACEUTICA LTDA		

1. This opinion contains indications relating to the following items:

- | | |
|---|---|
| ☒ Box No. I | Basis of the opinion |
| ☐ Box No. II | Priority |
| ☐ Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| ☐ Box No. IV | Lack of unity of invention |
| ☒ Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement |
| ☐ Box No. VI | Certain documents cited |
| ☐ Box No. VII | Certain defects in the international application |
| ☐ Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	Date of completion of this opinion see form PCT/ISA/210	Authorized Officer Szarek, Sophie Telephone No. +49 89 2399-0	
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed.
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. ☐ forming part of the international application as filed:
 - ☐ in the form of an Annex C/ST.25 text file.
 - ☐ on paper or in the form of an image file.
 - b. ☐ furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. ☐ furnished subsequent to the international filing date for the purposes of international search only:
 - ☐ in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - ☐ on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>33-36</u>
	No: Claims	<u>1-32</u>
Inventive step (IS)	Yes: Claims	<u>33-36</u>
	No: Claims	<u>1-32</u>
Industrial applicability (IA)	Yes: Claims	<u>1-36</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 DATABASE GNPD [Online]
 MINTEL; April 2010 (2010-04),
 "Woori Gokmul Fermented Nutri Eye Cream",
 Database accession no. 1300782
- D2 DATABASE GNPD [Online]
 MINTEL; December 2012 (2012-12),
 "Overnight Repair Mask",
 Database accession no. 1963186
- D3 DATABASE GNPD [Online]
 MINTEL; December 2005 (2005-12),
 "Dermal Repair Facial Cream",
 Database accession no. 10244336

1. The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claim 1 is not new.

Claim 1 is directed to a dermocosmetic composition comprising:

- (a) at least one plant extract of the genus *Panicum*,
- (b) at least one plant extract from the genus *Oryza*,
- (c) at least one film forming agent, and
- (d) pharmaceutically acceptable excipients.

Document D1 discloses a dermocosmetic composition comprising *Panicum Miliaceum* Seed Extract, *Oryza Sativa* extract, xanthan gum and biosaccharide gum as film forming agents and pharmaceutically acceptable excipients : see the paragraph Ingredients. The composition of document D1 falls under the wording of claim 1.

Document D2 discloses a dermocosmetic composition comprising Panicum Miliaceum Seed Extract, Oryza Sativa Germ oil, xanthan gum and cellulose gum as film forming agents and pharmaceutically acceptable excipients : see the paragraph Ingredients. The composition of document D2 falls under the wording of claim 1.

Document 3 discloses a dermocosmetic composition comprising Panicum Miliaceum Seed Extract, Oryza Sativa Bran extract, carbomer and Acrylates/C10-30 Alkyl Acrylate Crosspolymer as film forming agents and pharmaceutically acceptable excipients : see the paragraph Ingredients. The composition of document D3 falls under the wording of claim 1.

The subject-matter of claim 1 is therefore not new.

2. Dependent claims 2 to 32 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, because those features are disclosed in the documents cited in the search report.