

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/EP2024/080247

International filing date (day/month/year)
25.10.2024

Priority date (day/month/year)
26.10.2023

International Patent Classification (IPC) or both national classification and IPC
INV. A01N43/54 A01N63/22 A01N63/28 A01P3/00 C07H19/067

Applicant
SYNGENTA CROP PROTECTION AG

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

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Bertrand, Franck

Telephone No. -0



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 43*bis*.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.
 - b. ☐ furnished subsequent to the international filing date for the purposes of international search (Rule 13*ter*.1(a)),
 - ☐ accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.
4. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established to the extent that a meaningful opinion could be formed without a WIPO Standard ST.26 compliant sequence listing.
5. Additional comments:
- see separate sheet**

Box No. V Reasoned statement under Rule 43*bis*.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>1-10</u> |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | <u>1-10</u> |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | <u>1-10</u> |
| | No: Claims | |
2. Citations and explanations
- see separate sheet**

Re Item I

Basis of the report

Reference is made to the following documents:

- D1 WO 00/13487 A2 (GREEN CARE LAB LTD [IL]; ELIYAHU NITZAN [IL];
SHOKHEN MICHAEL [IL]) 16 March 2000
- D2 US 2023/081771 A1 (BIERI STÉPHANE [CH] ET AL) 16 March 2023

Re Item V

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

The present invention relates to jawsamycine against several phytopathogenic fungi on plants.

D1 describes the fungicidal activity of jawsamycine against several phytopathogenic fungi, but not against any of the presently claimed species. D2 describes a different mycine fungicide against some of the presently claimed species.

Therefore, the subject-matter of the present claims 1-10 is new (Art.33(2) PCT).

No improvement over other fungicides has been shown in the same context. Starting from D2 addressing the same subjective technical problem, the skilled artisan looking for further actives could have considered jawsamycine known from D1 to act against fungi. However, as shown in the present examples, several fungi of various taxonomic divisions are not sensitive to jawsamycine. Thus, the alternative to D1 is considered not to be obvious.

Consequently, the subject-matter of the present claims 1-10 involves an inventive step (Art.33(3) PCT).