Title: AMINO ACID SEQUENCES THAT MODULATE THE INTERACTION BETWEEN CELLS OF THE IMMUNE SYSTEM

Abstract:

Zwint

Merelbeke

Applicant

Priority

Publication

Filing

International

International

Language:

Language:

Priority Data:

(71) Applicant (for all designated States except US): ABLYNX N.V. [BE/BE]; Technologiepark 4, B-9052 Zwijnaarde (BE).

(72) Inventors; and


(74) Agent: HOFFMANN EITCLE; Arabellastraatse 4, 81925 München (DE).


(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— with declaration under Article 17(2)(a); without abstract; title not checked by the International Searching Authority
— with sequence listing part of specification published separately in electronic form and available upon request from the International Bureau

(48) Date of publication of this revised version: 12 September 2008

(15) Information about Correction: see Notice of 12 September 2008

(54) Title: AMINO ACID SEQUENCES THAT MODULATE THE INTERACTION BETWEEN CELLS OF THE IMMUNE SYSTEM

(57) Abstract:
PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

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

<table>
<thead>
<tr>
<th>Applicant's or agent's file reference</th>
<th>IMPORTANT DECLARATION</th>
<th>Date of mailing (day/month/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 25 622 a/mnl</td>
<td></td>
<td>30/06/08</td>
</tr>
</tbody>
</table>

International application No. PCT/EP2007/011057

International filing date (day/month/year) 17/12/2007

(Earliest) Priority date (day/month/year) 15/12/2006

International Patent Classification (IPC) or both national classification and IPC C07K16/2 8

Applicant

ABLYNX N. V.

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. Q ] The subject matter of the international application relates to:
   a. [Q ] scientific theories
   b. [Q ] mathematical theories
   c. [Q ] plant varieties
   d. [Q ] animal varieties
   e. [ ] essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
   f. [Q ] schemes, rules or methods of doing business
   g. [Q ] schemes, rules or methods of performing purely mental acts
   h. [Q ] schemes, rules or methods of playing games
   i. [Q ] methods for treatment of the human body by surgery or therapy
   j. [Q ] methods for treatment of the animal body by surgery or therapy
   k. [Q ] diagnostic methods practised on the human or animal body
   l. [Q ] mere presentations of information
   m. [Q ] computer programs for which this International Searching Authority is not equipped to search prior art

2. [X] The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
   [X] the description
   [ ] the claims
   [ ] the drawings

3. [Q] A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:
   [X] 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.
   [X] 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.
   [X] 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. [Q ] A meaningful search could not be carried out without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-Ws of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

5. 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, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Stefan Brell

Form PCT/ISA/203 (April 2005)
The present application contains 441 claims, of which 80 are independent. There is no clear distinction between the independent claims because of overlapping scope. There are so many claims, and they are drafted in such a way that the claims as a whole are not in compliance with the provisions of clarity and conciseness of Article 6 PCT, as it is particularly burdensome for a skilled person to establish the subject-matter for which protection is sought.

The reasons are as follows: on one hand, some of the claims (1-53, 150-193 and 260-441, the latter insofar as they refer to the former) contain no technical features which could define the subject-matter claimed, but rather aim to define said subject-matter in terms of a result-to-be-achieved. On the other hand, claims 54-149 and 194-259 relate to an extremely large number of possible polypeptides, specifically those consisting of 654 sequences, together with all the polypeptides which have at least 80% identity to said sequences. Support and disclosure in the sense of Article 6 and 5 PCT is to be found however for only a very small proportion of the polypeptides.

The non-compliance with the substantive provisions is to such an extent that a meaningful search of the whole claimed subject-matter could not be carried out (Article 17(2) PCT and PCT Guidelines 9.30) and consequently, no opinion is given.

There being no reasonable basis in the application that clearly indicates the subject-matter which might be expected to form the subject of the claims later in the procedure, no search at all was deemed possible. This is due to the fact that the description does not contain a single embodiment but so many embodiments in view of the drafting of the claims that an expected fall back position cannot be determined.

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 Guideline C-VI, 8.2), should the problems which led to the Article 17(2) PCT declaration be overcome.