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Declarations under Rule 4.17:

- as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii))
- as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii))
- of inventorship (Rule 4.17(iv))

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(54) Title: NUTRITIONAL PRODUCTS HAVING A MODULATED OFF-TASTE INTENSITY AND METHODS FOR MAKING AND USING SAME

(57) Abstract: Nutritional products and methods for modulating off-taste intensity in nutritional products are provided. In a general embodiment, a nutritional product is provided and includes a blend of carbohydrates in an approximate 1 to 1 to 1 weight ratio. The blend of carbohydrates may include maltodextrin, corn syrup, and sugar. In another embodiment, methods for modulating off-taste intensity of nutritional compositions are provided and include modifying the sweetness of the nutritional product so that it is moderate.



TITLE

“NUTRITIONAL PRODUCTS HAVING A MODULATED OFF-TASTE INTENSITY AND METHODS FOR MAKING AND USING SAME”

BACKGROUND

[0001] The present disclosure generally relates to health and nutrition. More specifically, the present disclosure relates to nutritional products and methods of making and using the nutritional products.

[0002] There are many types of nutritional compositions/products currently on the market. Nutritional compositions can be targeted toward certain consumer types, for example, young, elderly, athletic, etc., based on the specific ingredients of the nutritional composition. Nutritional compositions can also be formulated based on the certain physiological conditions that the nutritional compositions are intended to treat or improve, or may be based on desired physical or organoleptic properties of the nutritional compositions.

[0003] One goal of nutritional support is to provide a consumer with a nutritional composition containing sufficient types and amounts of nutrients to provide the consumer with a desired health effect. However, many nutrients and ingredients that are used in nutritional compositions to provide nutritional benefits to a consumer instead impart an undesirable taste or odor to the composition making it unappealing for consumption. As a result, the desired biological result is not achieved when the consumer refuses to ingest the composition due to its poor organoleptic properties. Thus, it is desired to provide nutritional compositions or products having ingredients that provide tolerable physical and organoleptic properties.

SUMMARY

[0004] Nutritional products and methods for modulating off-taste intensity in nutritional products are provided. In a general embodiment, the methods include modifying the sweetness of the nutritional product so that it is moderate. The nutritional product may be flavored or unflavored.

[0005] In an embodiment, the nutritional product is modified by adding a blend of carbohydrates. The blend of carbohydrates may include maltodextrin, corn syrup, and sugar.

[0006] In another embodiment, a nutritional product is provided that includes a blend of carbohydrates comprising maltodextrin, corn syrup, and sugar in an approximate 1 to 1 to 1 weight ratio. The nutritional product may have a flavored base or an unflavored base.

[0007] In an embodiment, the sugar is sucrose.

[0008] In an embodiment, the maltodextrin has a DE ranging from about 8 to about 12.

[0009] In an embodiment, the corn syrup has a DE ranging from about 24 to about 29.

[0010] In an embodiment, the maltodextrin has a DE of about 10 and the corn syrup has a DE of about 25.

[0011] In an embodiment, the product includes at least one ingredient selected from the group consisting of a protein, a lipid, a vitamin, or combinations thereof.

[0012] In yet another embodiment, a method for producing a nutritional product is provided. The method includes adding to a base a blend of carbohydrates comprising maltodextrin, corn syrup, and sugar in an approximate 1 to 1 to 1 weight ratio. The nutritional product may have a flavored base or an unflavored base.

[0013] In an embodiment, the sugar is sucrose.

[0014] In an embodiment, the corn syrup has a DE ranging from about 24 to about 29.

[0015] In an embodiment, the maltodextrin has a DE of about 10 and the corn syrup has a DE of about 25.

[0016] In an embodiment, the product includes at least one ingredient selected from the group consisting of a protein, a lipid, a vitamin, or combinations thereof.

[0017] An advantage of the present disclosure is to provide nutritional products having improved organoleptic properties.

[0018] Another advantage of the present disclosure is to provide nutritional products having moderate sweetness intensities.

[0019] Yet another advantage of the present disclosure is to provide nutritional products having optimized ratios of specific carbohydrate sources to provide off-taste modulating effects.

[0020] Still yet another advantage of the present disclosure is to provide methods for modulating off-taste intensity of nutritional products.

[0021] Another advantage of the present disclosure is to provide methods for producing nutritional products having acceptable organoleptic properties.

[0022] Additional features and advantages are described herein, and will be apparent from the following Detailed Description and the figures.

BRIEF DESCRIPTION OF THE FIGURES

[0023] FIG. 1 illustrates a graph of the off-note intensities detected in unflavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

[0024] FIG. 2 illustrates a graph of the sweetness intensities detected in unflavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

[0025] FIG. 3 illustrates a graph of the off-note intensities detected in flavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

[0026] FIG. 4 illustrates a graph of the sweetness intensities detected in flavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

[0027] FIG. 5 illustrates a graph of the average off-note intensities versus the average sweetness intensities detected in unflavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

[0028] FIG. 6 illustrates a graph of the average off-note intensities versus the average sweetness intensities detected in flavored composition bases containing different carbohydrate sources in accordance with an embodiment of the present disclosure.

DETAILED DESCRIPTION

[0029] As used herein, “about” is understood to refer to numbers in a range of numerals. Moreover, all numerical ranges herein should be understood to include all integer, whole or fractions, within the range.

[0030] As used here, “DE” refers to dextrose equivalent, which is a measure of the amount of reducing sugars present in a sugar product, relative to glucose, expressed as a percentage on a dry basis. For example, a maltodextrin with a DE of 10 would have 10% of the reducing power of dextrose (which has a DE of 100), while sucrose, with a DE of 120, would have 1.2 times the reducing power.

[0031] As used herein, “moderate,” “moderate sweetness” or “moderately sweet” refer to a sweetness intensity that ranges between the sweetness of pure maltodextrin (DE 10) and sucrose (DE 25).

[0032] As mentioned above, many nutrients and ingredients that are used in nutritional compositions to provide nutritional benefits to a consumer instead impart an undesirable taste or odor to the composition making it unappealing for consumption. As a result, the desired biological result is not achieved when the consumer refuses to ingest the composition due to its poor organoleptic properties. Indeed, a common complaint by target consumers for a known nutritional composition marketed by Applicants is that the composition is too sweet and, therefore, not appealing for consumption.

[0033] Applicants have investigated two different versions of the known nutritional composition, where the first version is unflavored and the second version includes a vanilla flavoring, to determine how the sensory profile of the nutritional composition is affected by varying ingredient types within the flavored and unflavored nutritional compositions.

[0034] In the present disclosure, the primary ingredient that was varied includes the source of carbohydrates, as well as the amounts of each type of carbohydrate used in the compositions. The tests described herein below include, for example, descriptions and comparisons of the sensory attributes (excluding appearance) of all of the nutritional compositions tested. The unflavored and flavored samples were then ranked, respectively, on off-note flavor intensity and sweetness intensity. Applicants sought to understand the impact each carbohydrate source (e.g.,

corn syrup, maltodextrin and sucrose) has on the sensory profile of the compositions, and to determine which sensory attributes in the base compositions are perceptible when the base is flavored, as opposed to unflavored.

[0035] As will be described further in the Examples below, Applicants have surprisingly found that a specific blend of carbohydrates in a weight ratio of 1 to 1 to 1 can have an effect on modulating off-taste intensity in both flavored and unflavored nutritional compositions. The carbohydrates include maltodextrins, corn syrup, and sugar (e.g., sucrose). Surprisingly, the blend of these three carbohydrates in a 1:1:1 weight ratio provides a moderate sweetness intensity level that is desirable for consumers. Indeed, Applicants have surprisingly found that artificial sweetener, floury, salty and soy off-flavors are lower when the carbohydrate source of the products is the blended carbohydrate source of the present disclosure. Additionally, few sensory differences are found between a vanilla flavored base and an unflavored base.

[0036] The dextrose equivalent ("DE") of the maltodextrin of the present disclosure may range from about 8 to about 12, or from about 9 to 11, or may be about 10. The DE of the corn syrup of the present disclosure may range from about 24 to about 29, or from about 25 to about 28, or may be about 25, or 26, or 27, or the like.

[0037] By way of example and not limitation, the following examples are illustrative of various embodiments of the present disclosure.

[0038] EXAMPLE 1

[0039] Applicants performed taste evaluations of both the flavored and unflavored bases to describe the attributes of five different carbohydrate sources. The recipes for the samples evaluated were constant, with the exclusion of the carbohydrate source that was varied from sample to sample. Although the carbohydrate source was varied, the same amount of carbohydrates in each sample was constant. All samples were made in a flavored and an unflavored version. A control formula was used as a reference and is representative of a flavored nutritional composition that is currently marketed by Applicants. Each evaluator tasted the samples blind, and serving order of the samples was balanced. Each evaluator individually tasted, described and ranked

the off-note and sweetness intensities of the unflavored and flavored bases. The testing procedures are set forth in greater detail below.

[0040] Product Preparation

[0041] The products were served at refrigerated temperature (4°C). To prepare the samples, the bottles for each product were shaken eight times. Bottles of the same product were poured into a pitcher and mixed well. These pitchers were refrigerated until being poured into the sample cups. Evaluators were served three ounces of each product into coded four-ounce solo cups with lid. Samples were provided to each evaluator individually and only immediately before the evaluator was ready to evaluate the given sample to ensure the proper refrigerated temperature was maintained.

[0042] Panelists participated in three test sessions. They individually rated all products in the first session and first half of the second session; the second half of the second session and third session served as a replicate. They made intensity ratings of flavor and taste on the standard citric acid scale, rated odors on the standard butanol scale, and rated textures on a 20-point scale anchored with references. Sensory attributes may include, for example, vanilla aroma, milky aroma, soy aroma, caramel aroma, floury aroma, bran aroma, vitamin aroma, oxidized oil aroma, pour, stir, coating, bubbles, sweetness, saltiness, overall intensity of flavor, vanilla flavor, soy flavor, caramel flavor, butterscotch flavor, floury flavor, bran flavor, oxidized oil flavor, artificial sweet flavor, sipping, swish, adhesiveness, mouth coating, etc.

[0043] During each session, evaluators first rated a calibration citric acid sample and a calibration butanol sample. They were given immediate feedback on the level of intensity of these samples as part of an ongoing effort to maintain their knowledge of these intensities and to calibrate their responses. Evaluators then rated the intensity of each attribute for each of the products. The orders in which they evaluated the samples were balanced among the panelists for order and carryover effects using Latin squares.

[0044] Statistical Analysis

[0045] SAS PROC GLM (version 9.1) was used to determine whether all the samples (flavored and unflavored products analyzed in separate analyses) differed in

any of the specific attributes. The attribute intensity was the dependent variable, evaluator and product were predictors. When there were significant differences, the Student-Newman-Keuls Test was used to determine which products differed significantly on the given attribute.

[0046] A separate analysis (PROC GLM) was conducted with all products. Within that analysis, contrast procedures were used to compare the flavored and flavored versions of each sample.

[0047] Attributes with at least one mean intensity rating greater than 1.0 and with significant difference among all products ($P < .05$) were selected for inclusion in the results tables and plots.

[0048] Principle components analysis ("PCA") with Varimax rotation (XLSTAT[®]) was conducted separately for the flavored and for the unflavored products, using only those attributes that differed significantly among the beverages, those attributes that had at least one mean intensity rating greater than 1.0 in the subset of products (flavored or unflavored), and those attributes that were not redundant. Redundant attributes were defined as those having correlations > 0.95 with other attributes for the flavored products, and those with correlations > 0.90 for the unflavored products. When attributes were considered redundant, the attribute with the largest range of mean scores was selected to represent the group of highly correlated attributes.

[0049] Evaluators also participated in one review session and three test sessions. In the review session, evaluators individually compared pairs of samples using the terms on a vanilla lexicon, and by suggesting other terms if relevant to the samples. Terms from the vanilla lexicon include, for example, overall intensity, vanilla, cocoa, milky, cooked milk, cream, soy, caramel, anise/licorice, malty, pineapple, berry, floral, floury, bran, starchy, grassy, nutty, minty yeasty, vitamin, cardboardy, oxidized oil, soured milk, moldy, metallic, artificial sweetener, other flavor/aromas, etc. The evaluators then participated in a group discussion to discuss the main differences between the products and to determine if any terms needed to be added to the lexicon.

[0050] Results

[0051] Generally

[0052] Applicants found distinct differences between the five different carbohydrate sources, and each carbohydrate source resulted in different levels of sweetness and off-notes. The attributes used to describe both the flavored and unflavored samples for each carbohydrate source are listed below in Table 1.

TABLE 1

Variable	Attributes
Control (56% Sucrose, 44% 25 DE Corn Syrup)	Very Sweet, Moderately Thick, Cowy
Maltodextrin (10 DE)	Not Sweet, Cowy, Salty, Astringent
Corn Syrup	Very Sweet, Artificial Sweetener Flavor, Chalky
Sucrose	Bland Without Off-Notes, Low Sweet, Plain Astringent
CHO Blend (33% Sucrose, 33% 10 DE Maltodextrin, 33% 25 DE Corn Syrup)	Moderately Sweet, Fresh Dairy, Creamy

[0053] Applicants surprisingly found that blending carbohydrates resulted in minimizing off-notes and achieving moderate levels of sweetness. In the current flavored nutritional composition marketed by Applicants, a blend of sucrose and corn syrup appears to produce off-notes in dairy as compared to blending sucrose, corn syrup and maltodextrin in equal parts, as was surprisingly found. In general, the flavored bases had lower off-note intensities and more sweetness; however, vanilla flavor was not highly detectable in the flavored bases. Accordingly, Applicants have found that the flavoring acts to minimize the number and intensity of off-notes while enhancing the sweetness of the product. The flavoring does not appear to impart a vanilla aroma or flavor to the product distinct from the sensory attributes in the base.

[0054] The full data from the taste experiments summarized just prior to Table 1 above is set forth below in Table 2. The underlined text in Table 2 denotes the attributes that were used, within the same variable, to describe both the flavored and unflavored samples.

TABLE 2

Variable	Unflavored	Flavored
Control	Sweet, Dairy, Cowy, Mod. Sweetness, Not Beany, Mod. Thickness	Very Sweet, Overpowering Sweetness, Vanilla, Sl. Thick, Clean Aftertaste
Maltodextrin	Sour, Cowy, Barny, Soybean, <u>Salty</u> , Protein, Dirty, Not Sweet, Thick, Slimy, <u>Astringent</u>	No Sweetness, <u>Salty</u> , Vanilla, Bland, Dairy, <u>Astringent</u> , Chalky, Cowy Aftertaste
Corn Syrup	Not Sweet, Cowy, Plain, <u>Astringent</u>	Bland Without Off-Notes, Bitter, Sl. Grassy, Low Sweetness, Watery, Salty, Very Low Vanilla, <u>Astringent</u> , Cardboardy Aftertaste
Sucrose	Cowy, Dirty, <u>Very Sweet</u> , <u>Artificial Sweetener</u> , Rotten Egg, Light Struck Milk, Chalky, Thin	<u>Very Sweet</u> , <u>Artificial Sweetener</u> , Low Vanilla
33% Blend	Dairy, Standard, <u>Moderate Sweetness</u> , Fresh Dairy	Beany, <u>Moderate Sweetness</u> , Butterscotch, Creamy, Bland/Mild Vanilla, Low Sweet, Relatively Clean, Slimy, Sweet Aftertaste

[0055] Applicants also ranked the set of unflavored samples and the set of flavored samples on off-note intensities and sweetness intensities. The results from the ranking process are summarized graphically at FIGS. 1-4. Applicants surprisingly found that the ranking results were similar for the flavored and unflavored bases, with the flavored bases offering a little more clarity on the off-note intensity amongst the samples. Overall, it can be deduced that the sucrose samples had the most off-note intensity and the most sweetness, but the 33% blend samples had the least off-note intensity and moderate relative sweetness intensities.

[0056] Specifically, and as show in FIG. 1, for the unflavored bases, the 33% blend sample had the least off-note intensity and the sucrose sample had the most off-note intensity. The ranking was less obvious for the remaining samples; however, it appears that the control sample had the second lowest intensity, followed by the corn syrup sample and the maltodextrin sample.

[0057] As shown in FIG. 2, the sweetness intensity for the unflavored bases showed clear results, with the majority of evaluators ranking the samples in the following order from least to most sweetness intensity: maltodextrin, corn syrup, 33% blend, control, sucrose.

[0058] For the flavored bases, as shown in FIG. 3, the 33% blend had the least off-note intensity, followed by the control sample. The corn syrup sample fell in the middle, while the sucrose and maltodextrin samples had the most off-note intensity.

[0059] As shown in FIG. 4, the maltodextrin and corn syrup samples for the flavored bases were found to have the least sweetness intensity, followed by the 33% blend sample, then the control sample and lastly, the sucrose sample.

[0060] In both the flavored and unflavored bases, the samples which had mid-sweetness intensities were shown to have lower off-note intensities. This suggests a parabolic relationship, as shown in FIGS. 5 and 6, between off-note intensity and sweetness intensity. In this regard, when sweetness intensity is low or high, off-note intensity appears to be maximized, and when sweetness intensity is moderate, off-note intensity appears to be minimized.

[0061] It should be understood that various changes and modifications to the presently preferred embodiments described herein will be apparent to those skilled in the art. Such changes and modifications can be made without departing from the spirit and scope of the present subject matter and without diminishing its intended advantages. It is therefore intended that such changes and modifications be covered by the appended claims.

CLAIMS

The invention is claimed as follows:

1. A method for modulating off-taste intensity in a nutritional product comprising modifying the sweetness of the nutritional product so that it is moderate.
2. The method of Claim 1, wherein the nutritional product is flavored.
3. The method of Claim 1, wherein the nutritional product is unflavored.
4. The method of Claim 1, wherein the nutritional product is modified by adding a blend of carbohydrates.
5. The method of Claim 4, wherein the blend of carbohydrates comprises maltodextrin, corn syrup, and sugar.
6. A nutritional product comprising:
a blend of carbohydrates comprising maltodextrin, corn syrup, and sugar in an approximate 1 to 1 to 1 weight ratio.
7. The nutritional product of Claim 6, wherein the sugar is sucrose.
8. The nutritional product of Claim 6, wherein the maltodextrin has a DE ranging from about 8 to about 12.
9. The nutritional product of Claim 6, wherein the corn syrup has a DE ranging from about 24 to about 29.
10. The nutritional product of Claim 6, wherein the maltodextrin has a DE of 10 and the corn syrup has a DE of 25.

11. The nutritional product of Claim 6, wherein the product has a flavored base.
12. The nutritional product of Claim 6, wherein the product has an unflavored base.
13. The nutritional product of Claim 6, wherein the product includes at least one ingredient selected from the group consisting of a protein, a lipid, a vitamin, and combinations thereof.
14. A method for producing a nutritional product, the method comprising:
adding to a base a blend of carbohydrates comprising maltodextrin, corn syrup, and sugar in an approximate 1 to 1 to 1 weight ratio.
15. The method of Claim 14, wherein the sugar is sucrose.
16. The method of Claim 14, wherein the maltodextrin has a DE ranging from about 8 to about 12.
17. The method of Claim 14, wherein the corn syrup has a DE ranging from about 24 to about 29.
18. The method of Claim 14, wherein the product has a flavored base.
19. The method of Claim 14, wherein the product has an unflavored base.
20. The method of Claim 14, wherein the product includes at least one ingredient selected from the group consisting of a protein, a lipid, a vitamin, and combinations thereof.

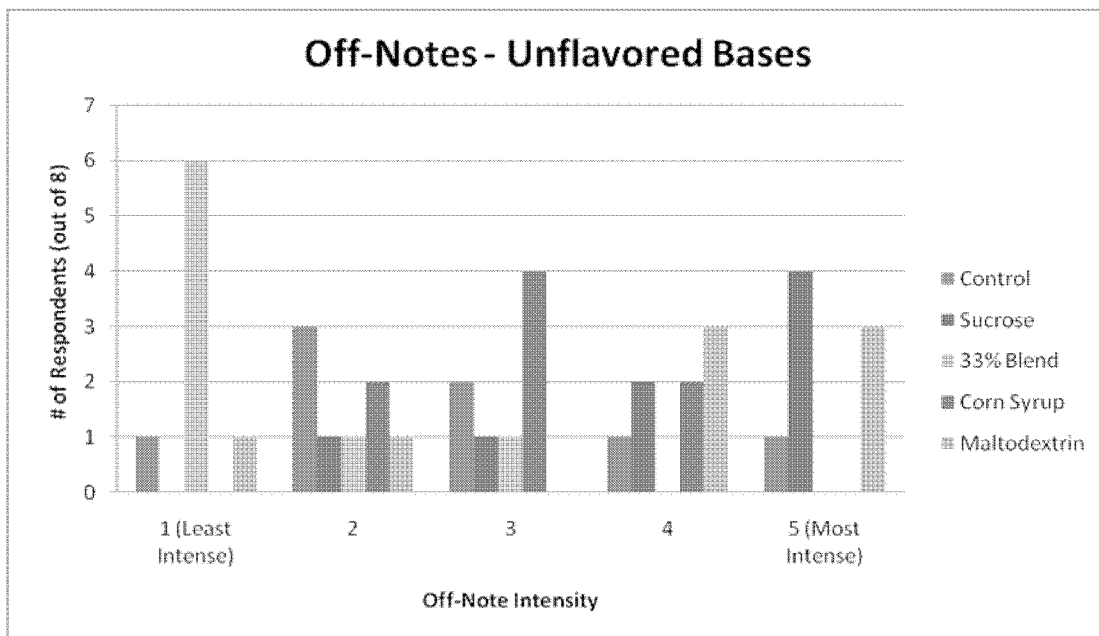


FIG. 1

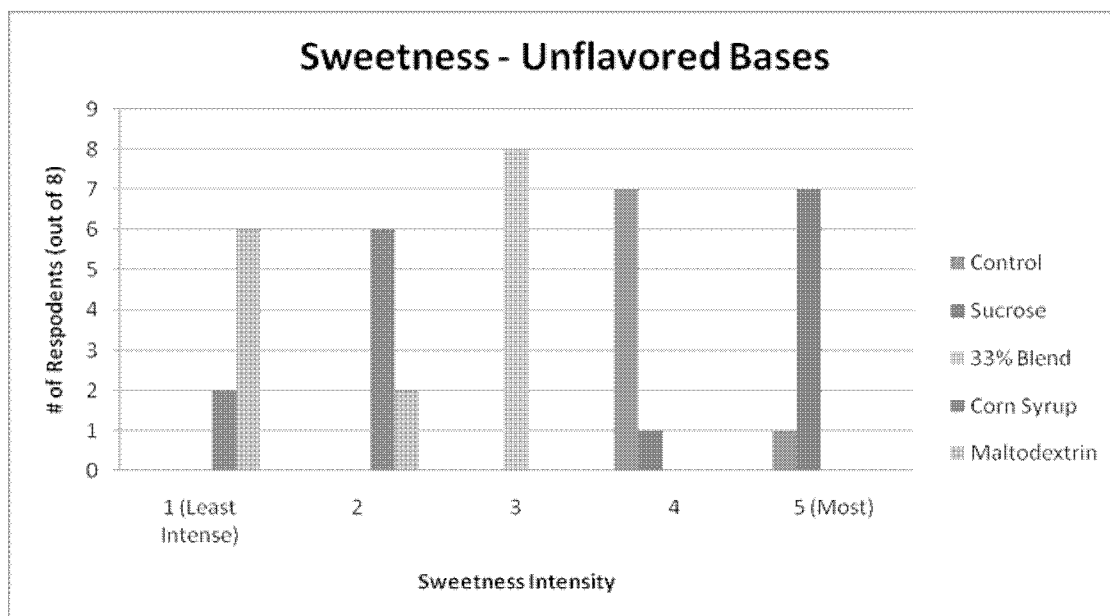


FIG. 2

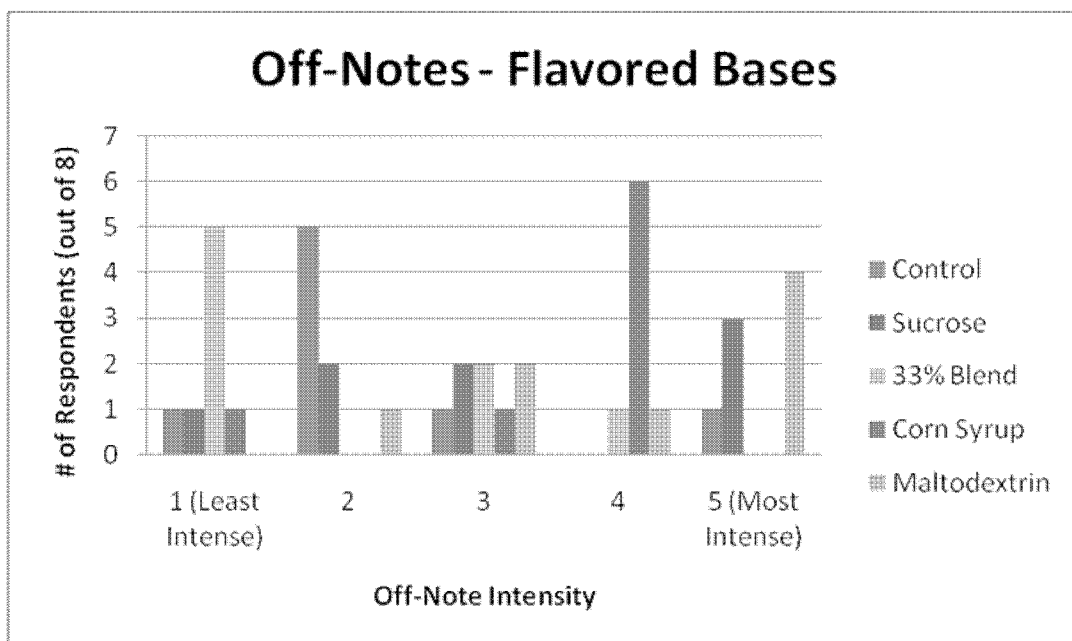


FIG. 3

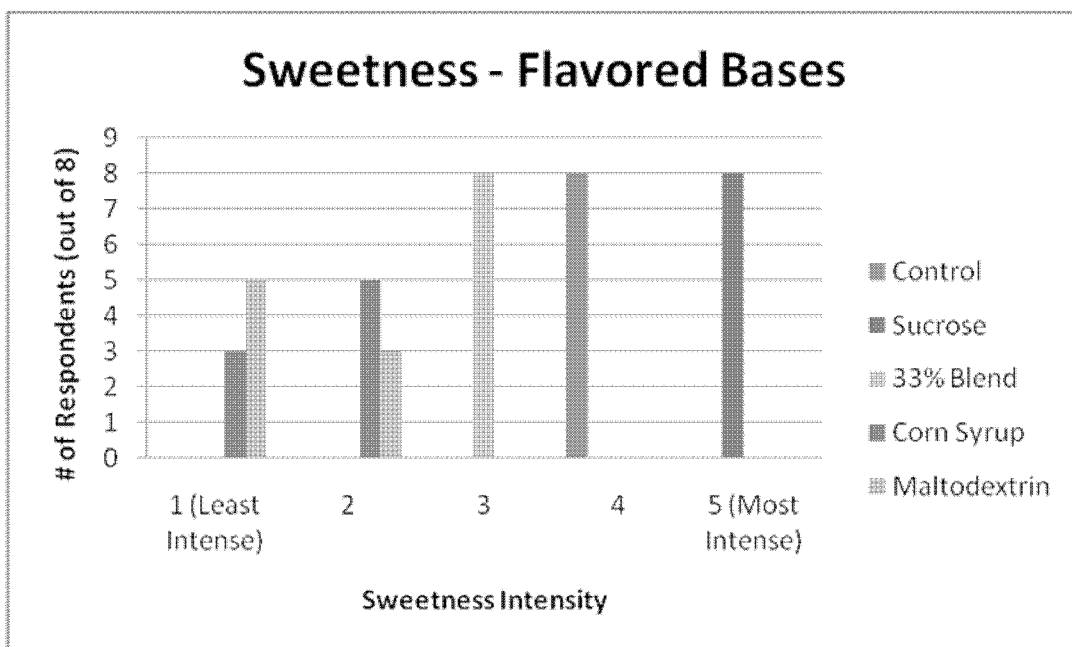


FIG. 4

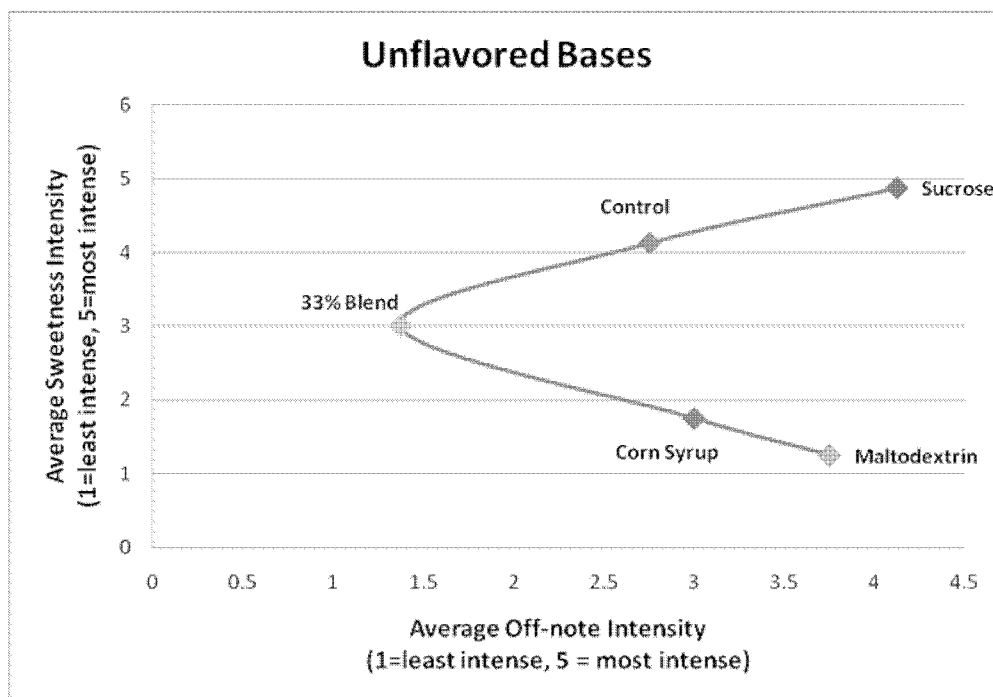


FIG. 5

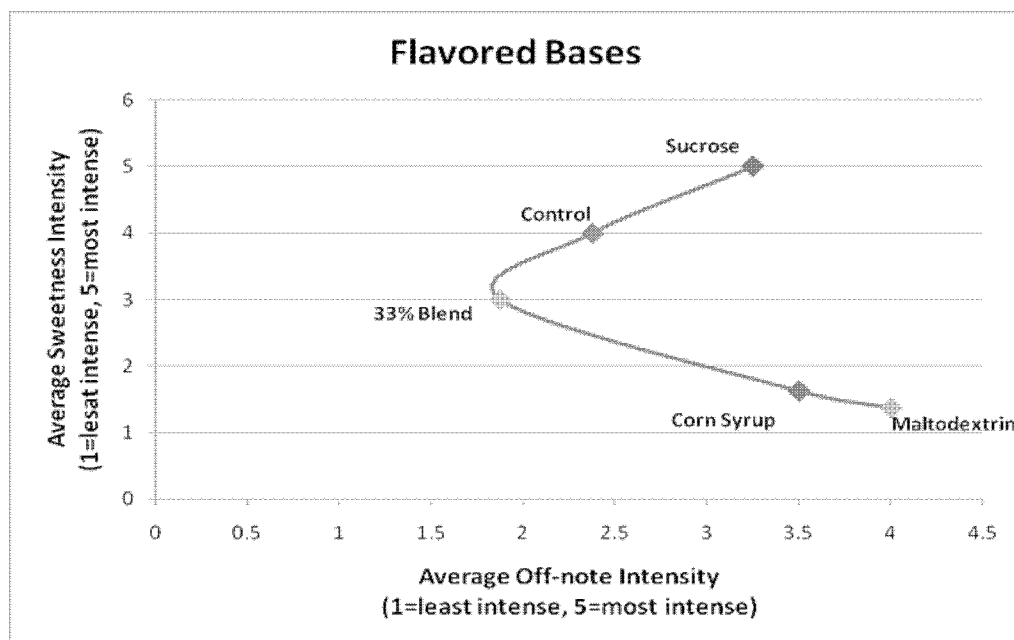


FIG. 6

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2013/054220

A. CLASSIFICATION OF SUBJECT MATTER INV. A23L1/22 A23L1/09 A23L1/236 ADD.		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) A23L		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) EPO-Internal, WPI Data, FSTA		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 034 214 A (PALMER MARCIA D [US] ET AL) 23 July 1991 (1991-07-23)	1-3
A	column 2, lines 42-60 column 5, lines 18-27	4-20
X	----- US 4 786 521 A (BENNETT CRAIG J [US] ET AL) 22 November 1988 (1988-11-22) example 3	1-20
X	----- EP 0 087 317 A2 (NABISCO BRANDS INC [US]) 31 August 1983 (1983-08-31) example 2	6-20
A	----- WO 99/27804 A1 (PROCTER & GAMBLE [US]; BLUMENSTEIN STAHL GABRIELE ANN [DE]; FISCHER CH) 10 June 1999 (1999-06-10) abstract; examples ----- -/-	1-20
☒ Further documents are listed in the continuation of Box C. ☒ See patent family annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 5 June 2013		Date of mailing of the international search report 12/06/2013
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016		Authorized officer Saunders, Thomas

INTERNATIONAL SEARCH REPORT

International application No

PCT/EP2013/054220

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 159 864 A2 (TATE & LYLE PLC [GB]) 30 October 1985 (1985-10-30) claim 1 -----	1-20

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2013/054220

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1-4(partially)
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 1-4(partially)

1. Present claims 1-4 relate to an extremely large number of possible methods. Support and disclosure in the sense of Article 6 and 5 PCT is to be found however for only a tiny proportion of the methods claimed, namely those relating to these use of a blend of carbohydrates comprising maltodextrin, corn syrup and sugar - see e.g. claim 5 and the examples. The non-compliance with the substantive provisions is to such an extent, that the search was performed taking into consideration the non-compliance in determining the extent of the search of claims 1-5 (PCT Guidelines 9.19 and 9.23). The search of claims 1-5 was restricted to those claimed methods which appear to be supported, namely those relating to the subject-matter of dependent claim 5. 2. Present claims 1-4 also relates to a method which has a given desired property or effect, namely modifying the sweetness of a nutritional product so that it is moderate. However, the description does not provide support and disclosure in the sense of Article 6 and 5 PCT for any such method having the said property or effect and there is no common general knowledge of this kind available to the person skilled in the art. This non-compliance with the substantive provisions is to such an extent, that the search was performed taking into consideration the non-compliance in determining the extent of the search of the claim (PCT Guidelines 9.19 and 9.20). As stated above, the search of claims 1-4 was consequently restricted to the specifically disclosed method having the desired property or effect, see claim 5 and the examples. 3. Furthermore, present claims 1-4 encompass methods defined only by their desired function, contrary to the requirements of clarity of Article 6 PCT, because the result-to-be-achieved type of definition does not allow the scope of the claim to be ascertained. The fact that any compound or substance could be screened does not overcome this objection, as the skilled person would not have knowledge beforehand as to whether it would fall within the scope claimed, except for the compounds disclosed in the description, see e.g. examples. Undue experimentation would be required to screen compounds randomly. This non-compliance with the substantive provisions is to such an extent, that the search was performed taking into consideration the non-compliance in determining the extent of the search for claims 1-4. The search of claims 1-4 was consequently restricted to the method described in claim 5 and the examples.

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

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

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