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Application No. 09 013 687.0 - 1410	Ref. N.108846A	Date 25.02.2013
Applicant ONO Pharmaceutical Co., Ltd.		

Communication under Rule 71(3) EPC

1. Intention to grant

You are informed that the Examining Division intends to grant a European patent on the basis of the above application with the text and drawings and the related bibliographic data as indicated below.

A copy of the relevant documents is enclosed.

1.1 In the text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IS IT LI LT LU LV MC NL PL PT RO SE SI SK TR

Description, Pages

1-93 filed in electronic form on 04-10-2012

Sequence listings, SEQ ID NO

1-74 as originally filed

Claims, Numbers

1-25 filed in electronic form on 04-10-2012

Drawings, Sheets

1/58-58/58 as originally filed

1.2 Bibliographic data

The title of the invention in the three official languages of the European Patent Office, the international patent classification, the designated Contracting States, the registered name(s) of the applicant(s) and the other bibliographic data are shown on **enclosed EPO Form 2056**.

2. Invitation

You are invited, **within a non-extendable period of four months** of notification of this communication,

2.1 to EITHER approve the text communicated above and verify the bibliographic data (R. 71(5) EPC)

(1) by filing a translation of the claim(s) in the two other official languages of the EPO

Fee code	EUR
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(2a) by paying the fee for grant including the fee for publication:
minus any amount already paid (R. 71a(5) EPC):

007	875.00
	0.00

Total amount:	875.00
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(3) by paying additional claims fees under Rule 71(4) EPC;
number of claims fees payable: 9
minus any amount already paid (R. 71a(5) EPC):

016	2025.00
	0.00

Total amount:	2025.00
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Note 1: See "Important notes concerning fee payments" below.

Note 2: Any overpaid "minus" amounts will be refunded when the decision to grant (EPO Form 2006A) has been issued.

2.2 OR, in case of disapproval, to request reasoned amendments or corrections to the text communicated above or keep to the latest text submitted by you (R. 71(6) EPC).

In this case the claims translations and fee payments mentioned under point 2.1 above are NOT due.

The terms "amendment(s)" and "correction(s)" refer only to amendments or corrections of the application documents and not of other documents (e.g. bibliographic data, the designation of the inventor, etc.).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

2.3 Bibliographic data

Where the applicant requests a change or correction of bibliographic data in response to the Rule 71(3) communication, this **will not** cause the sending of a second communication under Rule 71(3) EPC. The applicant will still have to pay the fees and file translations in reply to the Rule 71(3) communication in case of 2.1 above, unless he also files a reasoned request for amendments or corrections in response to the Rule 71(3) communication (see case 2.2 above).

3. Loss of rights

If either of the two possible actions above (see points 2.1 or 2.2) is not performed in due time, the European patent application shall be deemed to be withdrawn (R. 71(7) EPC).

4. Further procedure

4.1 In case of point 2.1 above

- 4.1.1** The decision to grant the European patent shall be issued, and the **mention of the grant** of the patent shall be published in the European Patent Bulletin, if the requirements concerning the translation of the claims and the payment of all fees are fulfilled and there is agreement as to the text to be granted (R. 71a(1) EPC).

Note on payment of the renewal fee:

If a renewal fee becomes due before the next possible date for publication of the mention of the grant of the European patent, publication will be effected only after the renewal fee and any additional fee have been paid (R. 71a(4) EPC).

Under Article 86(2) EPC, the obligation to pay renewal fees to the European Patent Office terminates with the payment of the renewal fee due in respect of the year in which the mention of the grant of the European patent is published.

Note on payment of the designation fee(s):

If the designation fee(s) become(s) due after the communication under Rule 71(3) EPC, the mention of the grant of the European patent shall not be published until the designation fee(s) has/have been paid (R. 71a(3) EPC).

- 4.1.2** After publication, the **European patent specification** can be downloaded free of charge from the EPO publication server <https://data.epo.org/publication-server> or ordered from the Vienna sub-office upon payment of a fee (OJ EPO 2005, 126).

Upon request in writing each proprietor will receive the certificate for the European patent together with one copy of the patent specification provided that the request is filed within the time limit of Rule 71(3) EPC. If such request has been previously filed, it has to be confirmed within the time limit of Rule 71(3) EPC. The requested copy is free of charge. If the request is filed after expiry of the Rule 71(3) time limit, the certificate will be delivered without a copy of the patent specification (R. 74 EPC, Decision of the President of the EPO, Special edition No. 3, OJ EPO 2007, D.2).

4.1.3 Filing of translations in the Contracting States

As regards translation requirements prescribed by the Contracting States under Article 65(1) EPC, please consult the website of the European Patent Office

www.epo.org → Law & practice → All Legal texts → National law relating to the EPC

www.epo.org → Law & practice → All Legal texts → London Agreement

In case of a valid extension

As regards translation requirements prescribed by the Extension States, please consult the website of the European Patent Office

www.epo.org → Law & practice → All Legal texts → National law relating to the EPC

Failure to supply a prescribed translation in a Contracting State or an Extension State may result in the patent being deemed to be void *ab initio* in the State concerned (Art. 65(3) EPC).

4.2 In case of 2.2 above

If the present communication under Rule 71(3) EPC is based upon an auxiliary request, and within the time limit you maintain the main or higher ranking request which is not allowable, the application will be refused (Art. 97(2) EPC).

If the Examining Division gives its consent to the requested amendments or corrections, it shall issue a new communication under Rule 71(3) EPC; otherwise, it shall resume the examination proceedings (R. 71(6) EPC).

5. Filing of a divisional application

Any divisional application relating to this European patent application must be filed directly with the European Patent Office in Munich, The Hague or Berlin and shall be in the language of the proceedings for the present application, or if the latter was not in an official language of the EPO, the divisional application may be filed in the language of the present application as filed (cf. Art. 76(1) and R. 36(2) EPC). Any such divisional application must be filed while the present application is still pending and the time limit for filing divisional applications must be observed (R. 36(1) EPC; Guidelines A-IV, 1.1.1).

6. Important notes concerning fees payments

6.1 For all payments you are requested to refer to the relevant **fee code(s)**.

6.2 Automatic debiting procedure

The fee for grant including the fee for publication and any additional claims fees due under Rule 71(4) EPC will be debited automatically on the date of filing of the translations of the claims, or on the last day of the period of this communication. However, if the designation fee(s) become(s) due as set out in Rule 71a(3) EPC and/or a renewal fee becomes due as set out in Rule 71a(4) EPC, these should be paid separately by another permitted way of payment in order not to delay the publication of the mention of the grant. The same applies in these circumstances to the payment of extension fees. For further details see the Arrangements for the automatic debiting procedure (AAD) and accompanying information from the EPO concerning the automatic debiting procedure (Annexes A.1 and A.2 to the Arrangements for deposit accounts (ADA) in Supplement to OJ EPO 3/2009).

6.3 Fee amounts

Following any amendment to the Rules relating to Fees, the amount(s) mentioned in this communication may be different from the amount(s) **actually due on the date of payment**. The latest version of the Schedule of fees and expenses, published as a Supplement to the Official Journal of the EPO, is also available on the EPO website (www.epo.org) and can be found under www.epo.org/schedule-of-fees, which allows the viewing, downloading and searching for individual fee amounts, both current and previous.

6.4 **Payments by cheque** delivered or sent direct to the EPO are no longer accepted as from 1 April 2008 (see OJ EPO 2007, 626).

Examining Division:

Chairman:	Espen, Josée
2nd Examiner:	Bonello, Steve
1st Examiner:	Meyer, Wolfram



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Enclosure(s): 180 Copies of the relevant documents
EPO Form 2056