

令和6年12月3日

株式会社アドメテック
特別顧問 研究開発担当
中住 慎一 様

小池国際特許事務所
〒105-0001 東京都港区虎ノ門5-13-7
虎ノ門A&K-IPビル
TEL 03(6403)4811 FAX 03(6403)4814
弁理士 小池 晃
弁理士 河野 貴明
手続担当 国際部 北原 明彦

ヨーロッパ特許出願

出願番号：19856085.6

国際出願番号：PCT/JP2019/033928

基礎日本出願番号：P2018-162983

弊所整番：AD19PCT1-EP

発明の名称：内視鏡下癌治療システム

特許査定のご報告

拝啓 時下ますますご清栄の段大慶に存じます。平素は格別のご高配を賜り厚く御礼申し上げます。

標記案件につきまして、特許査定が発行されましたことをご報告申し上げます。

本件は以下の手続により登録が完了し、指定国への移行が開始されます。

なお、明細書等の誤記の補正、分割出願が可能です。

登録：a)特許付与の対象となる明細書等の承認

b)登録料（付与及び印刷手数料）の納付

c)ドイツ語及びフランス語クレームの作成、提出

移行：d)指定国への移行指示、単一効特許の選択

指定国によっては英語以外の言語の明細書等が必要となる場合がございます。

また、単一効特許（複数の指定国で効力のある1つの特許権）の選択も可能です。

登録料納付等、分割出願及び指定国移行のご指示につきましては、別紙にてご確認申し上げます。

登録料納付期限：2025年3月22日

※なお、クレーム1が明確になるよう審査官により補正されております。

ご不明な点等ございましたら弊所までご連絡下さいますようお願い申し上げます。

敬具

添付書類：現地代理人からのレター／特許査定、特許付与の対象となる明細書等



Attorney Client Privileged Communication
via e-mail only

SSM

SSM Sandmair Patentanwälte Rechtsanwalt Partnerschaft mbB

SSM Sandmair Patentanwälte Rechtsanwalt Partnerschaft mbB

SSM Joseph-Wild-Straße 20, D-81829 München

A. Koike & Co.
Certified Patent Attorneys
Mr. Akira Koike
TORANOMON A&K IP BLDG:
5-13-7, Toranomom, Minato-ku
Tokyo 105-0001
JAPAN

Dipl.-Phys. Markus Muschke, LL.M. ^{1,2,3,4,5}
Dipl.-Ing. Wolfgang Wess ^{1,2,3,4,5}
Dipl.-Phys. Dr. rer. nat. Maximilian Engelhard, LL.M. ^{1,2,3,4,5}
Dipl.-Ing. Jürgen Rögner ^{1,2,3,4}
Dipl.-Ing. Andreas Gassenhuber ^{1,2,3,4}
Dipl.-Chem. Dr. rer. nat. Wilm-Christian Haase ^{1,2,3,4,5}
Dipl.-Ing. Markus Frantz ^{1,2,3,4,5}
Dipl.-Ing. Jochen Peschel ^{1,2,3,4,5}
Dr. jur. Johann Bauer ^{1,6}
Dipl.-Geophys. Richard Bennett, LL.M. ^{1,2,3,4,5}
Dipl.-Chem. Dr.-Ing. Armin Reindl ^{1,2,3,4,5}
Dipl.-Ing. Dominikus Paul ^{1,2,3,4,5}
Dipl.-Ing. Bodo Urban ^{2,4}
Naoki Nakano, M. Sc. ^{3,7}
Dr. Dawei Pang ^{2,3,5}

¹ Partner
² Patentanwalt / German Patent Attorney
³ European Patent Attorney
⁴ European Trademark and Design Attorney
⁵ European Patent Litigator
⁶ Rechtsanwalt / Lawyer
⁷ Japanischer Patentanwalt / Japanese Patent Attorney

Ihr Zeichen
Your Ref.
AD19PCT1-EP

Unser Zeichen
Our Ref.
P100066WOEP VIII

December 2, 2024

ev

European Patent Application No. 19 856 085.6-1113 / 3 845 171 based on
PCT/JP2019/033928
AD ME TECH CO., LTD.

Dear Mr. Koike:

The European Patent Office has issued the enclosed Communication pursuant to Rule 71(3) EPC together with the documents intended for grant of a European patent.

The version suggested by the EPO for grant seems to be acceptable. However, please be informed that claim 1 has been restricted by the Examiner. Please let us know whether this is acceptable to you and the client.

A **non-extendable** time limit has been set by the European Patent Office expiring on

March 22, 2025.

After fruitless expiry of this term, the application will be deemed to be **withdrawn**.

HypoVereinsbank München Kto. 453 100 BLZ 700 202 70
IBAN DE61 7002 0270 0000 453100, Swift (BIC): HYVEDEMMXXX
VAT: DE130746066

E-Mail info@ssmpatent.de
www.ssmpatent.de
Fax +49(89)455034-91

Joseph-Wild-Str.20
D-81829 München
Tel. +49(89)455034-0

Within this time limit the following steps have to be taken:

- a) approval of the documents intended for grant has to be given **or** requests for amendments or corrections of said documents - if any - have to be lodged, and in case of approval
- b) the fees for grant and printing have to be paid, and
- c) the translations of the claims into the two other official languages have to be submitted.

A **divisional application** can only be filed until the day before publication of the mention of the grant of the European patent.

Please let us have your instructions in **which countries** the European Patent shall come into effect (**validation**). Please note that this validation will incur costs depending on the respective countries.

Possibilities for validation

- (1) unitary patent only
- (2) unitary patent and further countries
- (3) only individually selected countries

If you wish to rule out the jurisdiction of the Unified Patent Court for the European patent, an **opt-out** has to be declared for the European patent. Please let us know in case you wish us to do so.

We would appreciate receiving your instructions at the latest by

January 22, 2025.

Sincerely yours,



M. Muschke

Encls.:

Communication pursuant to Rule 71(3) EPC
Text intended for grant



European Patent Office
Postbus 5818
2280 HV Rijswijk
NETHERLANDS



SSM Sandmair
Patentanwälte Rechtsanwalt
Partnerschaft mbB
Joseph-Wild-Straße 20
81829 München
ALLEMAGNE

Questions about this communication?
Contact Customer Services at
www.epo.org/contact

Primary Examiner
Name: Cornelissen, Philippe
Tel: +31 70 340 - 4178

Application No. 19 856 085.6 - 1113	Ref. P100066WOEP VIII	Date 22.11.2024
Applicant Ad Me Tech 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 Text intended for grant

In the text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LI LT LU LV MC MK MT NL NO PL
PT RO RS SE SI SK SM TR

Description, Pages

1-18 filed with entry into the regional phase before the EPO

Claims, Numbers

1-4 filed in electronic form on 07-11-2024

Drawings, Sheets

1/7-7/7 filed with entry into the regional phase before the EPO

With the following amendments to the above-mentioned documents proposed by the division

Description, Pages 1-3

Claims, Numbers 1

Registered Letter

EPO Form 2004C 10.24AUWF (20.11.2024)

Comments

DESCRIPTION

Page 1: Deletion of irrelevant and/or unnecessary statements (Rule 48(1)(c) EPC, EPC Guidelines F-II, 7.4)

Page 1: Mention of relevant prior art in the description (Rule 42(1) EPC)

Pages 2, 3: bringing the description in line with the claims

CLAIMS

Page 1, Claim 1: Article 84 EPC; making clear how the length is identified

See also the comments in enclosed EPO Form 2906.

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 **EPO Form 2056** (enclosed).

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 (Rule 71(5) EPC)

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

	Fee code	EUR
(2a) by paying the fee for grant including the fee for publication minus any amount already paid (Rule 71a(5) EPC):	007	1080.00 0.00
Total amount:		1080.00
(3) by paying additional claims fees under Rule 71(4) EPC; number of claims fees payable: 0 minus any amount already paid (Rule 71a(5) EPC):	016	0.00 0.00
Total amount:		0.00

Important: If the translations of the claims and fees have already been filed and paid respectively in reply to a previous communication under Rule 71(3) EPC, e.g. in the case of resumption of examination after approval (see Guidelines C-V, 6), **agreement as to the text to be granted** (Rule 71a(1) EPC) must be expressed within the same time limit (e.g. by approving the text and verifying the bibliographic data, by confirming that grant proceedings can go ahead with the documents on file and/or by stating which translations of the claims already on file are to be used).

- Note 1: See "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.
- Note 3: For the calculation of the grant fee under Article 2(2), No. 7, RFees (old fee structure), the number of pages is determined on the basis of a clean copy of the application documents, in which text deleted as a result of any amendments by the examining division is not shown.
Such clean copy is made available via on-line file inspection only.

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

In this case the translations of the claims 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 (Rule 137(4) EPC).

2.3 Bibliographic data

Where you request a change or correction of bibliographic data in response to the Rule 71(3) communication, this will **not** cause the sending of a further communication under Rule 71(3) EPC. You will still have to pay the fees and file translations in reply to the Rule 71(3) communication in the case of 2.1 above, unless you also file 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 neither of the two possible actions above (see points 2.1 or 2.2) is performed in due time, the European patent application will be deemed to be withdrawn (Rule 71(7) EPC).

4. Further procedure

4.1 In the case of point 2.1 above

4.1.1 The decision to grant the European patent will be issued, and the **mention of the grant** of the patent will 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 (Rule 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 (Rule 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 will not be published until these fees have been paid (Rule 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>.

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 → Legal texts, National law relating to the EPC

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

In the case of a valid extension or validation

As regards translation requirements prescribed by the extension or validation states, please consult the website of the European Patent Office

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

Failure to supply a prescribed translation in a contracting state, or in an extension or validation state may result in the patent being deemed to be void *ab initio* in the state concerned (Art. 65(3) EPC).

4.2 In the case of 2.2 above

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

If the examining division gives its consent to the requested amendments or corrections, it will issue a new communication under Rule 71(3) EPC; otherwise, it shall resume the examination proceedings (Rule 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 will 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 (see Article 76(1) and Rule 36(2) EPC). Any such divisional application must be filed while the present application is still pending (Rule 36(1) EPC; Guidelines A-IV, 1.1.1).

6. Notes concerning fee payments

6.1 Making payments

For payments made via deposit account, please note that as from 1 December 2017 debit orders will only be carried out if filed in an electronically processable format (xml), using an accepted means of filing as laid down in the Arrangements for deposit accounts (ADA), published in the Supplementary publication in the Official Journal.

All relevant information related to the modes of payment of fees to the EPO can be retrieved from the EPO website at "**Making Payments**".

6.2 Information concerning fee amounts

Procedural fees are usually adjusted every two years, on even years, with effect from 1 April. Therefore, before making a payment, parties should verify the amounts actually due on the date of payment using the applicable version of the Schedule of fees and expenses, published as a Supplement to the Official Journal of the EPO, available on the EPO website (www.epo.org) at www.epo.org/schedule-of-fees. The "Schedule of fees" table allows the viewing, downloading and searching of individual fee amounts, both current and previous.

6.3 Note to users of the 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 and validation fees.

Examining Division:

Chair: Schmidt, Matthias
2nd member: Husselin, Stéphane
1st member: Cornelissen, Philippe



Annexes:

Applicants not using the Mailbox can access patent literature via Espacenet
Text intended for grant
EPO Form 2056
EPO Form 2906

Annex to EPO Form 2004, Communication pursuant to Rule 71(3) EPC

Bibliographical data of European patent application No. 19 856 085.6

For the intended grant of the European patent, the bibliographical data are set out below, for information:

Title of invention: - ENDOSKOPISCHES KREBSBEHANDLUNGSSYSTEM
- ENDOSCOPIC CANCER TREATMENT SYSTEM
- SYSTÈME ENDOSCOPIQUE DE TRAITEMENT DU CANCER

Classification: INV. A61B18/08 A61B8/12 A61B18/14 A61B18/00 A61B8/00 A61B90/00

Date of filing: 29.08.2019

Priority claimed: JP / 31.08.2018 / JPA 2018162983

Contracting States*
for which fees have been
paid: AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LI LT
LU LV MC MK MT NL NO PL PT RO RS SE SI SK SM TR

Extension States*
for which fees have been
paid:

Validation States*
for which fees have been
paid:

Applicant(s):** Ad Me Tech Co., Ltd.
Fifth Floor EZAKI Headquarters building 1-8-16 Kukoudouri
Matsuyama-shi, Ehime 790-0054
JP

Inventor(s): NAKAZUMI, Shinichi
c/o Ad Me Tech Co., Ltd., Fifth floor, EZAKI
headquarters building, 1-8-16, Kukoudouri
Matsuyama-shi, Ehime 790-0054
JP

*) If the time limit for the payment of designation fees according to Rule 39(1) EPC has not yet expired and the applicant has not withdrawn any designation, **all Contracting States/Extension States/Validation States** are currently still deemed to be designated. See also Rule 71a(3) EPC and, if applicable, the above Note to users of the automatic debiting procedure.

**) If two or more applicants have designated different Contracting States, this is indicated here.