

# >> Citation Practices relating to ST.36



- >> Objective
- >> Background
- >> Citation Practice draft proposals relating to ST.36
- >> Relevant documents

### Citation Practices taskforce

- >> Clarify the different practices by industrial property offices regarding the difficulties in citing specific parts of the description of the invention text, in a patent document.

# BACKGROUND – LOCATION OF CITATION REFERENCES EXAMPLES

## >> Patent descriptions

compounds in olive plants and their influence on resistance against Phytophthora sp. Food Chemistry 83 (1): 75-78).

50 [0010] It is equally well known that wine and byproducts from wine production have a series of health promoting effects. Wine contains phenols including tannins and some pigments, and also organic acids and vitamins. Chromatographic studies have shown a series of flavan-3-ols and flavanols. Known health promoting effects from wine are anti-antiviral, anti-allergic, antioxidative and cancer-inhibiting (Bombardelli & Morazzoni, 1995: Vitis Vinifera L. Fitoterapia, LXVI (4)).

55 [0011] Various patents describe methods for extracting antioxidants from olive based material (US 2002/0004077 A1 (Cuomo et al)). WO 03/086442 discloses naturally occurring plant compounds, extracts and derivatives, among these oleuropein, for protection of health promoting products for humans. Use of antioxidative substances derived from plant material is proposed in DK utilization patent (DK BA 2004 00319. Patents with wine and a wine by-product (WO 01 A1) or combined with other mentioned

NPL

patent

EP 1 790 234 A1



European Patent  
Office

EUROPEAN SEARCH REPORT

Application Number

EP 06 38 8064

## >> Search Reports

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	WO 99/48386 A (STUECKLER FRANZ [AT]) 30 September 1999 (1999-09-30) * page 4, paragraph 4 * * page 9, line 40 - page 10, paragraph 1 * * examples 1-5 *	1-12, 14-16	
X	FR 2 772 235 A1 (FABRE PIERRE SANTE [FR]) 18 June 1999 (1999-06-18) * the whole document *	1-12, 14-16	

## >> Bibliographic data on some Patent Office websites and documents

(10) Patent No.: US 6,979,642 B1  
(45) Date of Patent: Dec. 27, 2005

(56)

References Cited

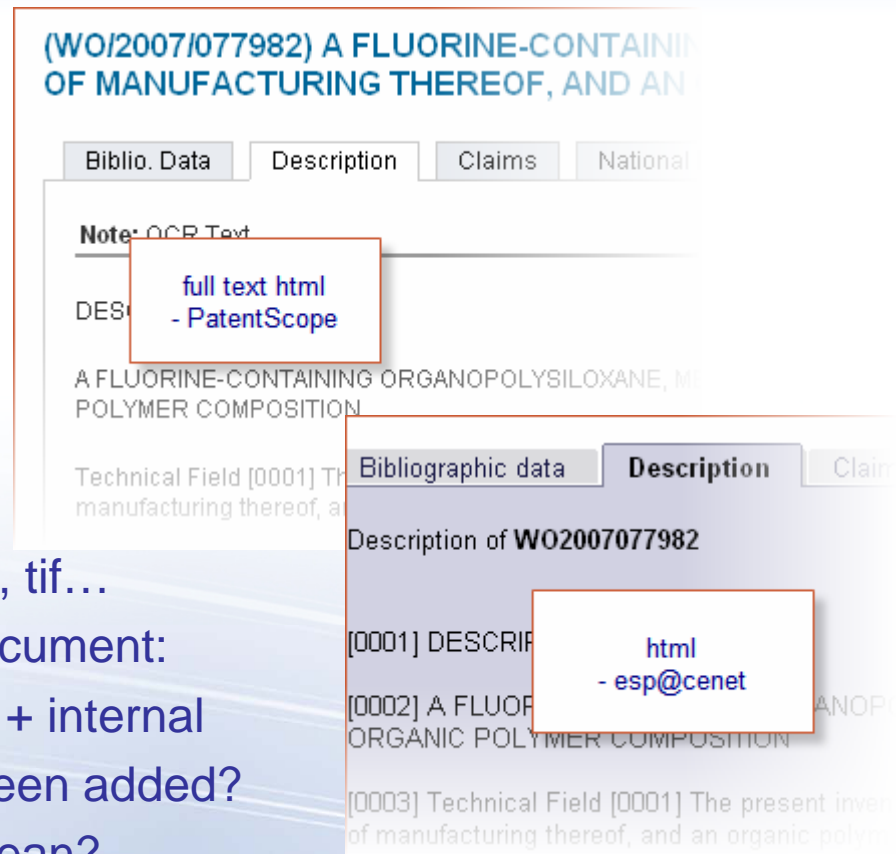
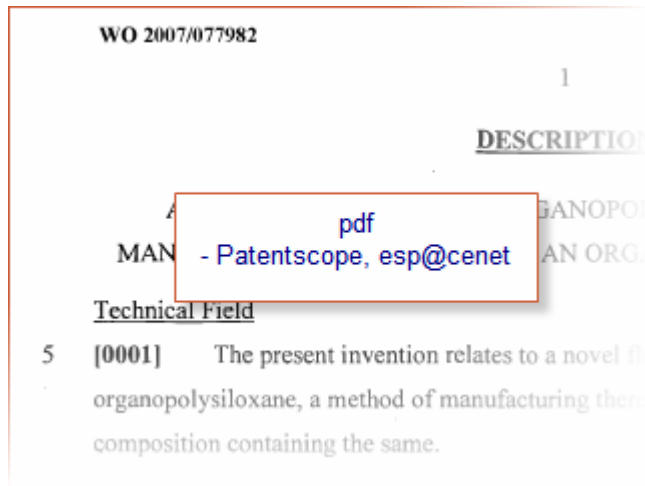
U.S. PATENT DOCUMENTS

6,022,808 A \* 2/2000 Nogami et al. .... 438/694  
6,077,780 A \* 6/2000 Dubin .... 438/687  
6,124,055 A \* 9/2000 Stochiero .... 429/65  
6,204,179 B1 \* 3/2001 McTeer .... 438/687  
6,423,637 B2 \* 7/2002 Kim .... 438/687  
6,486,560 B1 \* 11/2002 ... 438/687  
6,548,395 B1 \* 11/2002 ... 438/687  
6,630,741 B1 \* 11/2002 ... 438/687  
6,660,633 B1 \* 11/2002 ... 438/687  
6,717,236 B1 \* 11/2002 ... 438/687  
6,743,310 B1 \* 11/2002 ... 438/687  
2002/0192940 A1 \*

Front page of US  
page-based document

# BACKGROUND – CHANGING PUBLICATION PRACTICES

>> Publication procedures have changed over recent years



>> Multiple renderings formats: xml, pdf, tif...

>> Multiple locations of single patent document:  
eg: WIPO + EP + commercial providers + internal

>> Have extra visible publication tags been added?

>> Which rendering did the examiner mean?

## >> Backwards Citations, Forwards Citations

**Bibliographic data**

DescriptionClaimsMosaicsOriginal documentINPADOC legal status

**Publication number:** EP0892065

**Publication date:** 1999-01-20

**Inventor:** BROECK HENRIETTE C VAN DEN (NL); GRAAFF LEENDERT HENDRIK DE (NL); HILLE JAN DIRK RENE (NL); OUYEN ALBERT JOHANNES J VAN (NL); VISSER JACOB (NL); HARDER ABRAHAM (NL)

**Applicant:** GIST BROCADES NV (NL)

**Classification:**

- international: A21D8/04; A23K1/165; A23K3/03; C12N9/24; C12N15/56; A21D8/02; A23K1/165; A23K3/00; C12N9/24; C12N15/56; (IPC1-7): C12N15/56; A21D8/04; A23K1/165; C12N9/24; C12N15/80; C12P19/14; C12R1/645; D21C3/00

- European: A21D8/04B; A23K1/165B; A23K1/165B1; A23K3/03W; C12N9/24

**Application number:** EP19980114804 19910724

**Priority number(s):** EP19980114804 19910724; EP19910201944 19910724; EP19900202020 19900724

[View INPADOC patent family](#)

[View list of citing documents](#)

[View document in the European Register](#)

**Also published as:**

EP0463706 (A1)  
EP0463706 (B1)

**Cited documents:**

EP0357127  
EP0386888  
EP0368015  
WO9119782  
XP002084961  
[more >>](#)

**Backwards citations**  
- EP0892065 cites (earlier) documents

**Forwards citations**  
- other documents cite EP0892065

**Abstract of EP0892065**

Methods and expression constructs are provided having xylanase activity and their use in the

**LIST OF CITING DOCUMENTS**  
1 document citing EP0892065

1	ENZYME WITH XYLANASE ACTIVITY AT ACIDIC PH	<a href="#">in my patents list</a>
<b>Inventor:</b> HOUSEN ISABELLE (BE); VANDENHAUTE JEAN (BE); (+2)		
<b>EC:</b> C12N9/42		
<b>Publication info:</b> WO2004106510 - 2004-12-09		
<b>Applicant:</b> FACULTES UNIVERSITAIRES NOTRE (BE); HOUSEN ISABELLE (BE); (+3)		
<b>IPC:</b> C12N1/19; C12N1/21; C12N9/42 (+17)		



## BACKGROUND – CITABLE COMPONENTS

>> How do examiners describe relevant parts of a cited document in a search report?

- Page-based components:  
page, column, line...

- Paragraphs (electronic filings)  
- Patent description parts:  
claims, embodiments, examples

- Unique references: XP, DOI...

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim
P,X	WO 2006/061021 A (NOR FEED AS [DK]; NIELSEN BEATRICE KONSTANZE KLI [DK]; ELGAARD TROELS) 15 June 2006 (2006-06-15) * page 6, paragraph 2 - page 11, paragraph 1 * * examples 1,2 *	1-4, 10-16
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X	WO 2004/091307 A (ADVANCED BIONUTRITON CORP [US]; HAREL MOTI [US]) 28 October 2004 (2004-10-28) * paragraphs [0068], [0069]; examples 2,6 *	1-16
-----		
X	DATABASE CABA [Online] 1995, SOOUD, A. O. ET AL: "The possibility of replacing the by-products formulated mixture instead of the conventional diets in feeding camels compared to sheep and goats" XP002422178 retrieved from STN Database accession no. 95:55504 * abstract * & ANNALS OF AGRICULTURAL SCIENCE (CAIRO), NO. 1 SPECIAL ISSUE, PP. 69-83. 19 REF. ISSN: 0570-1783, 1993,	1-16

## BACKGROUND – AMENDED PARAGRAPHS

>> How are the paragraph numbers of an amended xml filed patent application treated?

- **Branched numbering:**

paragraph [0545] split into [0545.1] and [0545.2]

- **Paragraph renumbering:**

paragraph [0545] split into [0545] and [0546]



## CONSIDERATIONS FOR THE ST36 TASK FORCE

- >> Are guidelines for numbering patent components associated with electronically filed applications clear?
  - consistency across renderings e.g. paragraph numbering same in pdf or html, on any site
- >> How can long paragraphs be avoided?
  - sentence numbering, sub paragraph numbering, xml text editor warnings
- >> How can non-text elements be optimally tagged?
  - chemical formula, tables, gene sequences
- >> Should further elements be defined in ST.36?
  - examples

### >> Relevant documents

- Proposals for Citation Practices (para. 5)
- Observations, Comments, Conclusions
- Cited references in European patent documents

### >> Affected documents

- *ST. 14* – Inclusion of References Cited in Patent Documents
- *ST. 36* – Processing of Patent Information using XML