

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing <i>(day/month/year)</i> 23 October 2017	
Applicant's or agent's file reference 2016P00289WO	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2017/051950	International filing date <i>(day/month/year)</i> 18 July 2017
Priority date <i>(day/month/year)</i> 05 August 2016	
International Patent Classification (IPC) or both national classification and IPC A61K 8/39(2006.01)i; A61Q 19/00(2006.01)i; A61K 8/20(2006.01)i; A61K 8/81(2006.01)i	
Applicant SOCIETE D'EXPLOITATION DE PRODUITS POUR LES	

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13*ter*.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13*ter*.1(a)).
 - on paper or in the form of an image file (Rule 13*ter*.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-13	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-13	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims	_____	NO
2. Citations and explanations :			
See Supplemental Box			

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V

A. Reference is made to the following documents:

D1	US 2014/335039 A1 (MERAT EMMANUELLE [FR]) 13 November 2014 (2014-11-13)
D2	FR 2 910 899 A1 (SEPPIC SA [FR]) 4 July 2008 (2008-07-04)

B. Novelty - PCT Article 33(2)

1. Document D1 describes the preparation of a polymer, referred to as a cross-linked anionic polyelectrolyte, as per claim 1. However, said document does not describe a composition having both an ammonium cation or metal cation salt, or a polyoxyethylene fatty alcohol according to formula II of claim 1. Thus, the subject matter of claims 1-13 is novel.

2. The same applies in view of D2.

C. Inventive step - PCT Article 33(3)

According to the description, the aim of the present invention is that of providing thickening systems for manufacturing gels that are transparent and stable over a wide range of pHs, even when the composition is rich in electrolytes. The compositions must also have satisfactory sensory properties. In the present case, the compositions are essentially aqueous.

The closest prior art can be either document D1 or document D2. These two documents propose providing thickening systems which make it possible to obtain transparent and stable gels, even when said gels contain electrolytes (D1: page 2, line 21, to page 3, line 2; D2: paragraphs 8-9).

The experiment portion demonstrates the stability of the compositions according to the invention relative to compositions not in the invention (compositions including a solubilizing agent other than that defined in (c); these compositions have an Ra ratio different from that defined in the claims).

Therefore, the problem addressed can be considered that of providing an improved/optimized thickening system.

Although some of the compositions of D1 and D2 include salts, and although D2 suggests that the compositions can include polyoxyethylene fatty alcohols, none of the documents suggests that an optimization can be achieved by combining the specific polyoxyethylene fatty alcohols with specific salts, let alone the influence of the polymer/polyoxyethylene fatty alcohols weight ratio and polyoxyethylene fatty alcohols/salts molar ratio. Therefore, an inventive step is acknowledged.