

## EUROPEAN QUALIFYING EXAMINATION 2016

# Paper C

This paper comprises:

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|--|-----------------|
| * Letter from opponent                                 | 2016/C/EN/1-2   |
| * Annex 1  | 2016/C/EN/3-10  |
| * Annex 2  | 2016/C/EN/11-14 |
| * Annex 3  | 2016/C/EN/15-18 |
| * Annex 4  | 2016/C/EN/19-20 |
| * Annex 5  | 2016/C/EN/21    |
| * Annex 6  | 2016/C/EN/22-25 |
| * Annex 7  | 2016/C/EN/26    |
| * Form 2300: Notice of opposition to a European patent |                 |



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Paris, 03 March 2016

Dear Mr Holsteiner,

Please file a notice of opposition against European Patent EP 2 071 617 B1 (Annex 1) on behalf of my company. I hope the documents enclosed (Annexes 2-7) are of use to you.

Whilst comparing the application as filed and the patent, we determined that the text of the description of Annex 1, as well as the drawings are identical to that of the application as filed, possibly with the exception of page 5, paragraph 22, of the application as filed, which we enclose as Annex 7.

The application was filed with 5 claims numbered 1 to 5. During examination, the applicant added a further dependent claim, corresponding to claim 2 of Annex 1. Claims 2 to 5 of the application as filed were renumbered as claims 3 to 6 of Annex 1.



The priority document contains only 3 claims, numbered 1 to 3. Claim 1 of the priority document corresponds to claim 1 of Annex 1. Claim 2 of the priority document corresponds to claim 3 of Annex 1. Independent claim 3 of the priority document corresponds to independent claim 5 of Annex 1. Paragraph [0011] of Annex 1 was not present in the priority document. Otherwise, the priority document is identical to the application as filed.

Annex 5 is a package insert of the product Therapack<sup>®</sup> bought in 2010.

Best regards,

Mrs J. Connemara

Enclosures:

Annex 1: EP 2 071 617 B1

Annex 2: EP 1 873 012 A1

Annex 3: EP 2 016 004 A1

Annex 4: ADVANCES IN WATER-ACTIVATED COOLING COMPOSITIONS

Annex 5: Package insert of the product Therapack<sup>®</sup>

Annex 6: WO 2008/066281A2

Annex 7: Page 5 of the application 11194804.8 as filed



(19)



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(54) **Reusable cooling device**

Dispositif de refroidissement réutilisable

Wiederverwendbare Kühlvorrichtung

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Note: Within nine months from the publication of the mention of the grant of the European patent, any person may give notice to the European Patent Office of opposition to the European patent granted. Notice of opposition shall be filed in a written reasoned statement. It shall not be deemed to have been filed until the opposition fee has been paid (Art. 99(1) European Patent Convention).



**[0001]** The present invention relates to a cooling device, more particularly of the type for cold therapy of an animal, especially a horse, and to a cooling composition.

**[0002]** There are several different kinds of thermotherapy, including active and passive thermotherapy. Active thermotherapy may involve a thermally active

5 composition, i.e. any composition which, as a result of a chemical reaction, is able to actively produce either cold or heat, by a decrease or an increase of its temperature to accelerate a healing process.

**[0003]** More particularly, cooling devices are used for cold therapy, which are applied to an injured area of an animal to accelerate the healing process. An example of such a  
10 device is the Therapack<sup>®</sup> device.

**[0004]** Prior art cooling devices are a single pouch, comprising only one chamber filled with a gel as a cooling material which retains cold after being placed in a freezer for a certain period of time (passive cooling). The use of only one pouch makes the device relatively stiff and difficult to wrap around an animal's limb to evenly follow its contours.

15 Furthermore, the gel tends to collect towards the bottom of the pouch. As a result, when applying the device to the animal's limb, the cold is not evenly distributed and consequently, the area to be treated is not effectively cooled.

**[0005]** It is a general object of the invention to provide a cooling device which is adapted to improve the healing process of an animal's limb, in particular, of a leg of a  
20 horse.

**[0006]** This object is achieved with a reusable therapeutic device to be used on an animal in need of cold therapy and a cooling composition.



**[0007]** The cooling device according to the invention comprises an envelope partitioned into at least two rows. Each row comprises at least two non-communicating pockets positioned side by side. Each pocket comprises a cooling composition.

**[0008]** The rows of multiple individual pockets are important to obtain a good distribution of the cooling composition within the device. This construction keeps the cooling composition from concentrating at the bottom of the device when applied. This allows a more even distribution of cold and thereby an improved cooling action on the leg of the horse.

**[0009]** The cooling composition according to the invention produces a cooling effect through an endothermic reaction, when in the presence of water. This composition is an example of a thermally active composition, because, as a result of a chemical reaction, it is able to actively produce a temperature difference by a decrease of its temperature, which is sufficient to provide a therapeutic effect.

**[0010]** Furthermore, our compositions provide a cooling temperature range of from around 6°C to 13°C. This range enables efficient cooling whilst avoiding cold burns on the skin.

**[0011]** In the compositions of the invention, the activators Lesmorsase and/or Edgalase are mixed with the compound Ahlericheon.

**[0012]** Lesmorsase (Les) is a member of the class EKLAGE of activators, which also includes Tiptopase (Tip), Klimkease (Kli), Nurase (Nur), Edgalase (Edg), Pittase (Pit), Fahnetase (Fah) and Pageatase (Pag). Lesmorsase is preferred because it is non-toxic.

**[0013]** Wenn the activators are in the presence of water at ambient temperature, Ahlericheon is activated, which then produces cold. Furthermore, we found out that by changing the ratios of the activator(s) and Ahlericheon, different cooling temperatures and different activation times (i.e. the time needed to keep the composition in water to obtain the desired cooling temperature) can be obtained.



**[0014]** Any composition comprising Lesmorsase and 20-40% by weight of Ahlericheon is very effective when a fast cooling effect is required. An activation time of about 2 minutes is considered 'fast'. Thus, this mixture is particularly suited for use immediately after strenuous physical exercise.

- 5 **[0015]** A preferred composition, which has a fast activation time of around 90 seconds and a cooling temperature of around 11°C, is a mixture of 64% by weight of Lesmorsase and 36% by weight of Ahlericheon.

- [0016]** To obtain the desired cooling temperature, the cooling device needs only to be soaked in water at ambient temperature for the required activation time, removed and  
10 then applied to the area to be treated.

**[0017]** The material of the cooling device is an appropriate material which is impermeable to the cooling composition, but is permeable to water so that the Ahlericheon in the composition may be activated. Materials such as neoprene or heavy-duty cotton fulfil these requirements.

- 15 **[0018]** A further advantage of the cooling device is that it is reusable. After the cooling effect of the composition is exhausted, the device can be dried and stored until the next use. Once dried, it only needs to be reactivated when required.

**[0019]** The fastening means of the invention provide an even distribution of pressure and avoid any pressure points.

- 20 **[0020]** An important part of the horse's hind leg is the hock. The hock has a special angular shape, and thus bends in the opposite direction to the knee of the front leg. Thus, in one aspect, the cooling device according to the invention is shaped to conform to the contours of the hock i.e. it takes into account the angular shape and locomotion of the hock.



**[0021]** The hooves are also important structures of the horse's leg, providing support and shock absorption. Thus, in another aspect a cooling device according to the invention is shaped to conform to the contours of the hoof i.e. it takes into account the round shape and the hardness of the hoof.

- 5 **[0022]** A device which is shaped to fit the contours of the hock or a device which is shaped to fit the contours of the hoof will avoid abrasions due to rubbing.

Fig. 1: Cooling device according to one embodiment of the invention

Fig. 2: Sectional view along the axis A-A of the cooling device of figure 1

Fig. 3: Application of the cooling device according to the invention (21=Knee, 22=Leg,  
10 23=Hock, 24=Hoof)

**[0023]** The cooling device 1 of figures 1 and 2 includes a pair of water-permeable sheets 2, 3 of fabric.

- [0024]** The two sheets 2, 3 are sewn to provide seams 4 around the outer edges, forming a closed envelope. A series of laterally spaced-apart seams 5 extends in a  
15 parallel direction between opposite edges 6, 6' of the envelope. Another series of perpendicular, laterally spaced-apart seams 5' extend between the opposite edges 6", 6''' of the envelope. Together, both series define a number of side-by-side, non-communicating pockets 8 in which the cooling composition 7 is inserted. Hence, the composition is held inside the non-communicating pockets such that it cannot transfer or  
20 leak through to any other pockets.

- [0025]** The integrated fastening means consists of two elastic straps 9, 9', which are attached to the opposing sides 10, 10' of the envelope, along the entire length of the opposite edges 6, 6' of the envelope. The straps 9, 9' comprise complementary securing means 11, 12 on their entire surface. These securing means consist of hook-like  
25 elements 11 on one of the straps, and loop-like elements 12 on the other. When the two straps are pressed together, the two straps bind temporarily. In particular, because of the elasticity, this allows adjustable fastening of the cooling device 1.





## Claims

1. A reusable therapeutic device (1) comprising:

- a closed envelope;

the envelope being partitioned into at least two rows each comprising at least two non-communicating pockets (8) positioned side by side; each pocket comprising a thermally active composition (7); and

- integrated fastening means for providing temporary fastening of the device to a patient.

2. A device according to claim 1 wherein the device is shaped to simultaneously conform to both the contours of the hock and the hoof of a horse, and wherein the thermally active composition upon activation with water provides a cooling action to the hock and the hoof.

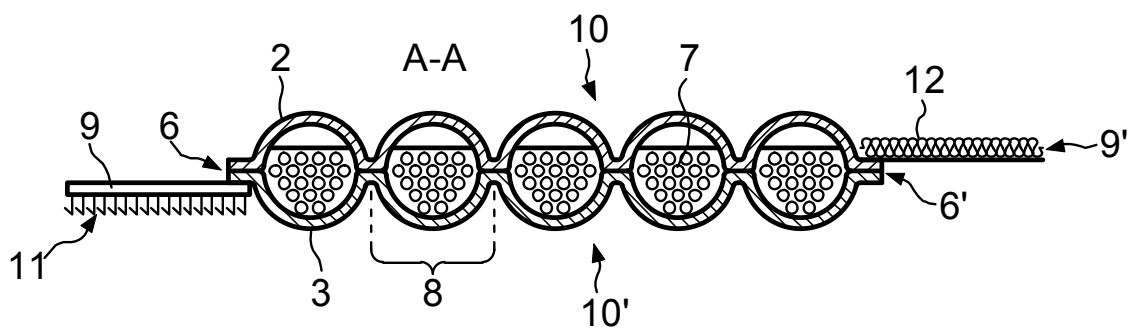
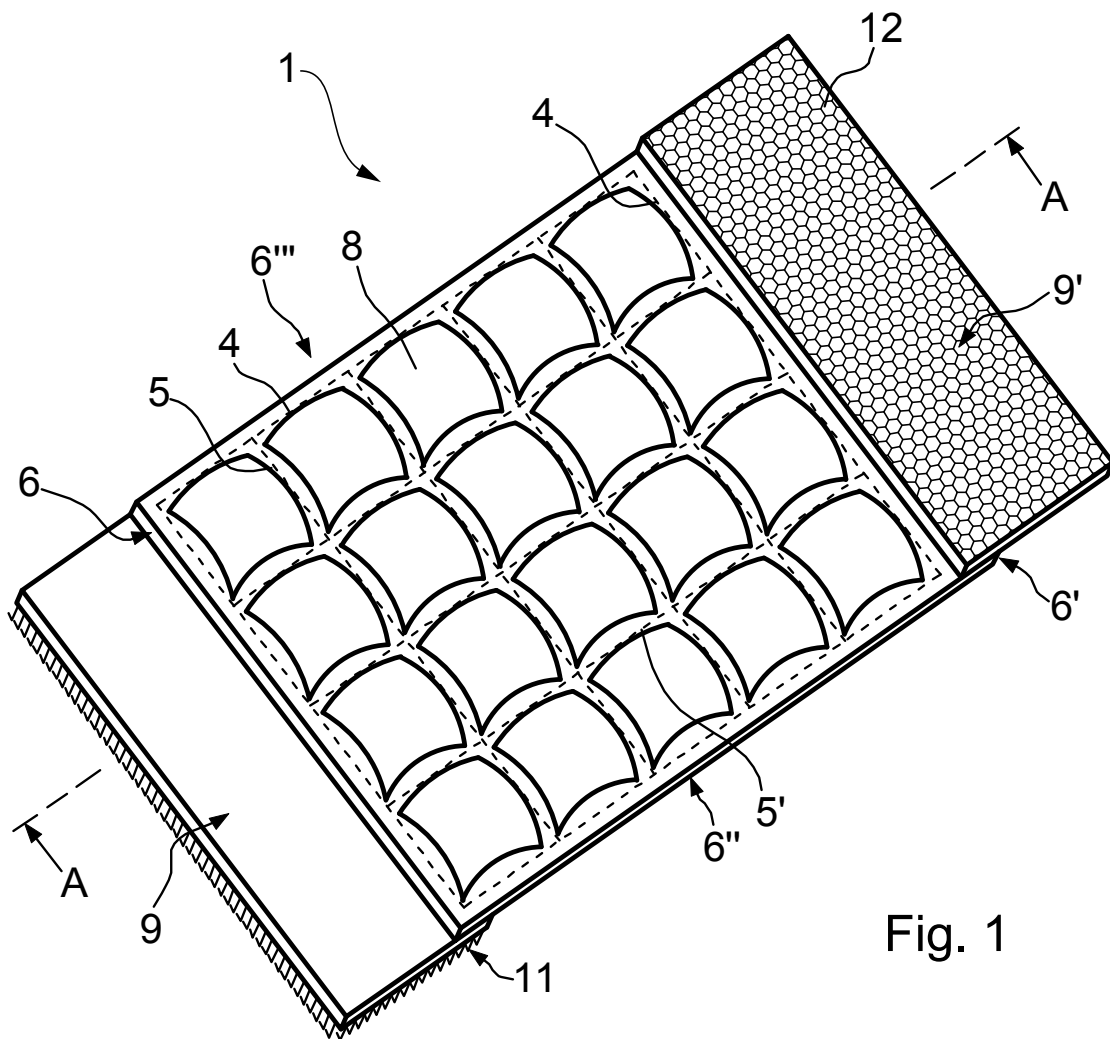
3. A device according to claim 1 wherein the device is shaped to conform to the contours of the hock or the hoof of a horse, and wherein the thermally active composition upon activation with water provides a cooling action to the hock or the hoof.

4. A device according to claim 1 wherein the fastening means comprises two straps, only one of which is elastic, and wherein the straps are fixed to opposing sides of the envelope, along the entire length of the edge of each side, and wherein the straps have complementary securing means.

5. A thermally active composition, which produces a cooling effect upon activation with water, consisting of Lesmorsase and 20-40% by weight of Ahlericheon.

6. A thermally active composition, which produces a cooling effect upon activation with water, comprising Ahlericheon and Edgalase in combination with Lesmorsase.





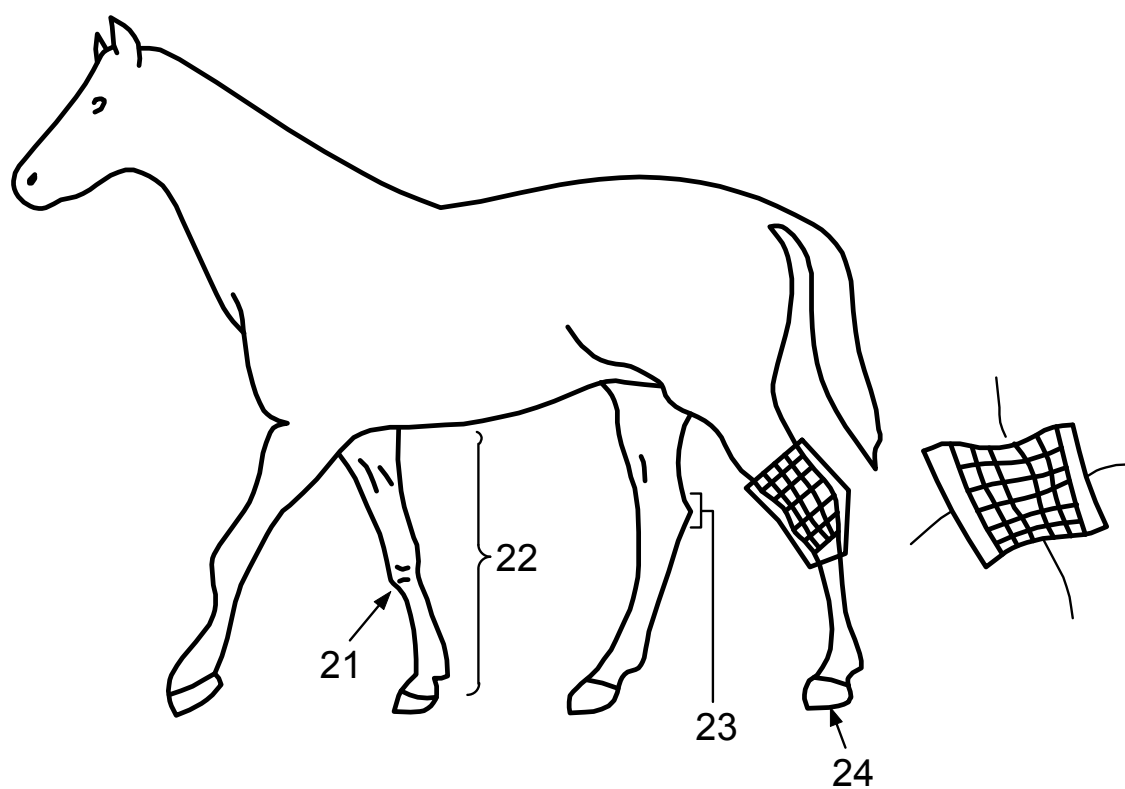


Fig. 3



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	<b>(12)</b>	<b>European Patent Application</b>	
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	(11)	Publication Number:	<b>EP 1 873 012 A1</b>
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	(43)	Date of publication:	<b>06.06.2011 Bulletin 2011/7</b>
	(51)	Int. Cl.:	<b>A61F 7/00</b>
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	(72)	Inventor:	<b>J. Whittaker (GB)</b>
10	(74)	Representative	<b>G. Gees</b>
	(84)	Designated Contracting States:	<b>BE DE ES FR GB IT NL SE</b>

### Therapeutic Pad

15 **[0001]** Heat therapy of injured areas is an established approach to alleviating muscular pain.

**[0002]** Popular means known in the art for achieving such heat therapy include the use of pads containing a heat-storing gel composition. These pads are wetted for a certain period of time in hot water, allowing the gel composition to store the heat transferred. Once the pad is removed, it is wrapped around the part of the body to be heat-treated. This type of pad must also be wrapped in a protective layer before application to avoid direct contact with the skin of the patient and minimise the impact of any detrimental hot spots.

25 **[0003]** Accordingly, it is an object of the present invention to provide an improved therapeutic heat pad which avoids the problem of localised hot spots.



**[0004]** The pad according to the invention comprises a composition of Edgalase, Lesmorsase and Ahlericheon, with 25% by weight of Edgalase, 25% by weight of Lesmorsase and 50% by weight of Ahlericheon. This composition forms a gel composition at ambient temperature and is activated by microwave radiation. Once

5 activated, as a result of a chemical reaction, the gel composition actively produces heat for several hours with the temperature of the composition reached being between 80°C and 90°C. During the heat exchange, the gel composition solidifies.

**[0005]** This gel composition is used in the pads according to the invention. In order to achieve a good distribution of heat over the area to be treated, the pad 1 is formed of a  
10 pouch consisting of one or more rows of individual compartments 2 placed side by side and each compartment containing the gel composition, as shown in Figure 1.

**[0006]** To avoid the gel composition building up in one area within the pad, due either to the force of gravity or the pressure applied during application, it is essential that the gel composition is isolated within each compartment. Furthermore, because the  
15 inventive composition reaches a temperature of between 80°C and 90°C, the material chosen for the pouch is the HEATSEAL<sup>®</sup> material well-known for its ability to be both waterproof and capable of shielding heat. Using this material, the temperature reached by the pad is lowered to between about 50°C and 60°C and hence reduces the risk of burns or scalds.

**[0007]** The pad also incorporates at least two buttons 3 at one end and  
20 corresponding button-holes 4 at the other end to keep it in place on the area to be treated. Whilst the distribution of pressure is improved by using two or more buttons, care should be taken when fastening the pad to the area to be treated as there is a risk of forming pressure points if over-tightened. Pressure points result in an uneven  
25 distribution of heat, can be uncomfortable and may ultimately reduce blood flow and should therefore be avoided.



**[0008]** After use, the buttons are unfastened and the pad is removed. Another advantage of the inventive composition is that the properties of Ahlericheon can be restored by soaking the pad in water for 10 minutes. This reforms the gel composition, and the pad may be reactivated for a further application.

5

### Claim

1. A therapeutic pad (1) for administrating a heat therapy to a body part of a patient, comprising:
  - a pouch with compartments (2) comprising a heating gel composition and
  - fastening means (3, 4).

10



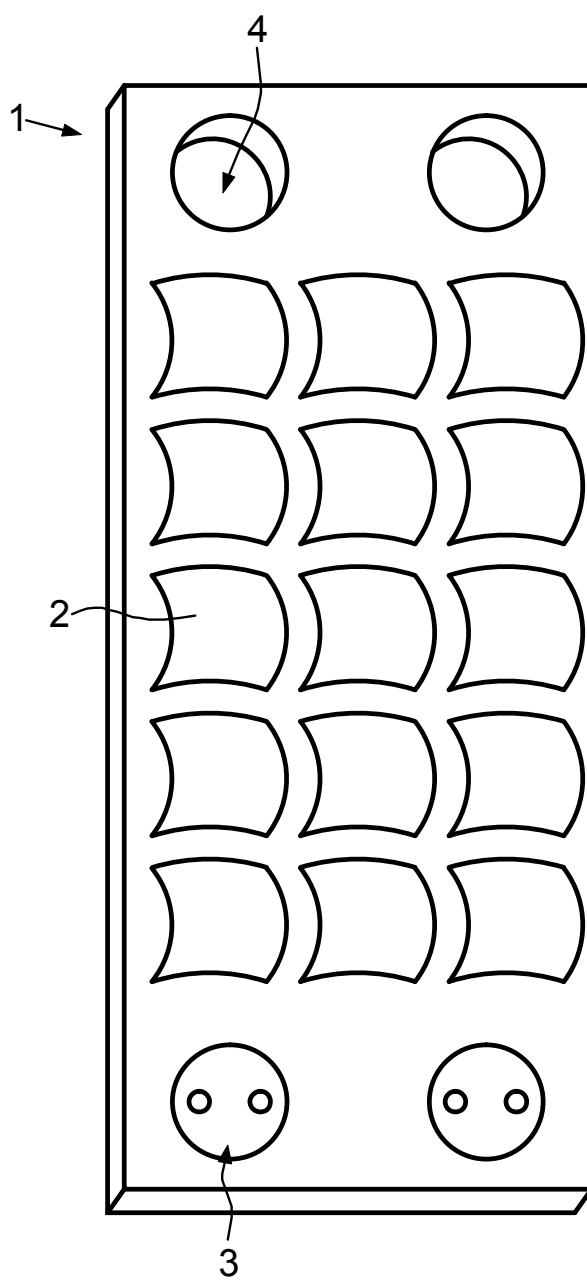


Fig. 1



	<b>(19)</b>	<b>European Patent Office</b>	
	<b>(12)</b>	<b>European Patent Application</b>	
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	(74)	Representative:	<b>V. L. C. Glass</b>

## 15 MEDICINAL DEVICE



**[0001]** Strained muscles are problematic for all performance animals, but are particularly detrimental in horses.

**[0002]** The medication Totilasen is the current gold-standard anti-inflammatory drug  
 20 available in equine veterinary treatment. With this in mind, the inventors have developed an improved method of application of Totilasen to a horse's leg using a medicinal device.

**[0003]** We have developed a device which moulds to the shape of a horse's leg. The device comprises a plurality of pockets, which, before use, are soaked with the anti-  
 25 inflammatory drug Totilasen, which is evenly distributed so that the application of the medicine is more effective.

**[0004]** Referring to the specific embodiment of the invention depicted in the drawings, the medicinal device 10 comprises a pouch 20 of laminated construction consisting of two sheets 30, 40 of hypoallergenic material. A pouch is a closed envelope.





- 5 **[0005]** The sheets are sewed or otherwise adhered together along vertical lines 50 and horizontal lines 60 to provide at least six rows, each row having at least six individual pockets 70 arranged side-by-side. Each pocket is filled with a matrix composition of the compound Edgalase, which is trapped within and cannot seep out of the respective individual pocket.
- [0006]** The sheets 30, 40 of this embodiment are rectangular. The number of pockets in each row is adjusted according to the shape of the pouch.
- 10 **[0007]** Each time the device is placed in contact with the part of the leg to be treated, the pockets need to be charged with an appropriate dose of Totilasen. This is achieved by soaking the device in a solution of Totilasen diluted in water. The matrix composition of the compound Edgalase present in each pocket absorbs the diluted solution of Totilasen and then allows Totilasen to diffuse out over time. The presence of individual pockets provides an even distribution of Totilasen and a relatively consistent supply to the afflicted area.
- 15 **[0008]** It is essential that the pouch 20 is made of a material which is porous to water and Totilasen. This ensures that the matrix composition of Edgalase can absorb the aqueous solution of Totilasen. Hence, the combination of the porous material of the pouch and the chemical composition of the carrier Edgalase allows the device to be washed to remove the Totilasen, dried and stored until it is charged with a new dose and  
20 used again.
- [0009]** Pressure tabs 80 are provided on opposite edges of the pouch which serve to hold it in place as a sleeve, snugly conforming to the body part being treated. Pressure tabs are compatible with the structure of the device, and we have found other means unsuitable.



**[0010]** It is known that application of the anti-inflammatory drug Totilasen is most effective at around 7°C. Thus, for example, by soaking a bandage with chilled water and wrapping it around the leg to be treated for about 20 minutes, followed by application of the therapeutic device of the invention for a desired amount of time, the effect of the anti-inflammatory drug Totilasen can be considerably improved. In addition, the cooling also encourages blood circulation and enhances the healing process. After use, the pressure tabs can be unfastened, and the therapeutic device of the invention can be stored until a next use.

**[0011]** This device is effective for tendon injuries in the lower portion of the front leg between the hoof and the knee. However, the medicinal device of the invention will need to be modified for application to other parts of the horse's leg.

### Claim

1. A medicinal device for enclosing an injured body part of an animal, and applying a dose of an anti-inflammatory medicine to said body part.



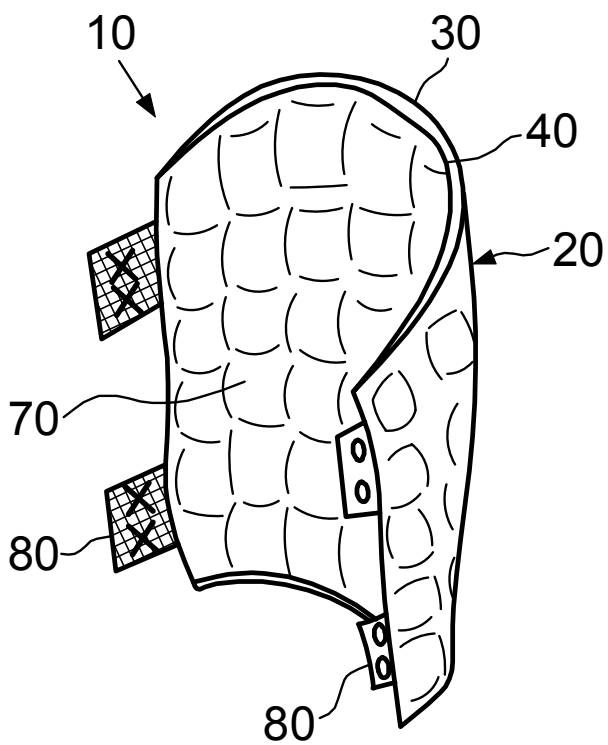


Fig. 1

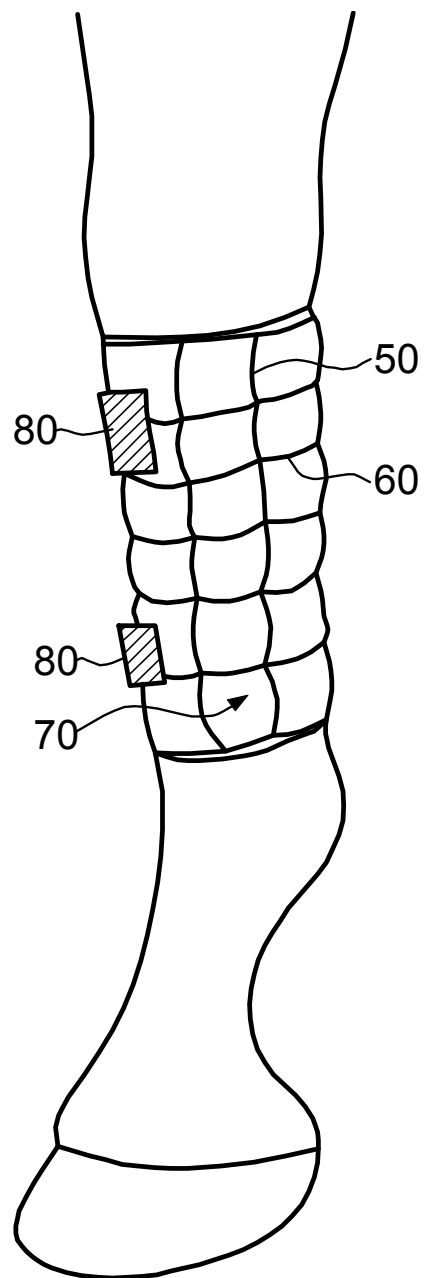


Fig. 2



## ADVANCES IN WATER-ACTIVATED COOLING COMPOSITIONS

*Pharmaceutical Illustrated*, published 12<sup>th</sup> July 2010

### 5 Introduction

**[0001]** In many instances, there is a need for convenient means of cooling when one is remote from a source of electricity, for example when a need for a cold compress arises. Therefore, a need exists for a source of cooling without recourse to powered  
10 refrigeration.

**[0002]** Furthermore, a composition which does not require the use of any toxic components to activate it would be useful for application to the head and mouth. The possibility of the addition of an anti-inflammatory agent would provide further benefits.  
15

**[0003]** It was previously discovered that the compound Ahlericheon (Ah) always actively produces an endothermic (i.e. cooling) chemical reaction when placed in contact with water in the presence of one or more member(s) of the class EKLAGE of activators. All of these compositions comprising Ahlericheon and at least one activator of the class  
20 EKLAGE are useful for cold therapy and all, with the exception of compositions comprising at least Ahlericheon and the activator Pageatase, can be reactivated in the presence of water. In this study, we investigate the cooling temperature, i.e. the lowest temperature that an activated composition can achieve, with or without the presence of the anti-inflammatory drug, Totilasen (Tt).

25

### Methods

**[0004]** Different weight ratios of the heat conductive agent Ahlericheon were mixed with a range of activators. The different compositions obtained were then soaked in  
30 either pure water at ambient temperature or in a 10% by weight solution of Totilasen in water (also at ambient temperature). The activation time and the corresponding cooling temperature were measured.



## Results and Discussion

**[0005]** The combination of anti-inflammatory medicines and cold therapy is known to have advantageous effects for reducing the severity of damage and length of time of recovery for tendon and muscle injuries.

**[0006]** Our results show that the addition of Totilasen to any given composition does not affect either the cooling temperature obtained or the activation time.

**[0007]** The activated composition creates a continuous cooling that is suitable for cold therapy applications.

**[0008]** Thus, this study shows an important advance in reaching the goal of a low-cost and effective therapeutic cooling pack to accelerate the healing process, which can be used where no power sources are available.

**[0009]** We suggest that of the compositions we have tested, the ones comprising either Edgalase and Ahlericheon, or Pittase and Ahlericheon would be most appropriate for the outdoor pursuits market. This is because of the ease of manufacture and lower costs of Edgalase and Pittase compared to other activators in the class EKLAGE. Lesmorsase is more expensive, but may also be suitable as an activator in some compositions because it is non-toxic.

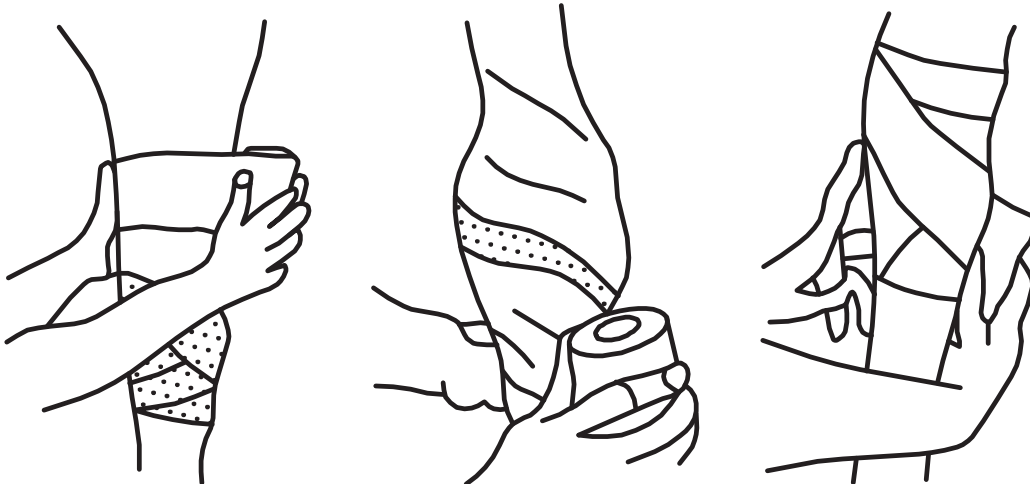


## THERAPACK®

THE new way to conveniently cool your horse's tired legs after cross country!

### INSTRUCTIONS FOR USE – it couldn't be simpler!

- 5
- Soak Therapack® in water for at least 2 minutes
  - Drain to remove excess water
  - Apply to the area to be cooled
  - Throw away Therapack® after use
- 10
- If a longer application time is required, if your horse has suffered a knock whilst out on course, Therapack® may be used in conjunction with a stable bandage to keep it in place while you cool him down.



### Therapack® product description

- 15
- A gel of Ahlericheon (35% by weight) and Pageatase\* enclosed in a neoprene pouch.

20

\* Pageatase may be toxic to aquatic organisms. Please dispose of your used Therapack® responsibly.

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10 (71) Applicant (for all designated states except US): **Danesmoor SA**

(75) Inventors/Applicants (for US only): **S. Gairdner (GB)**

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20

## **EQUINE PROTECTIVE GAITER**

**[0001]** This invention relates to a gaiter for encircling and protecting the leg of an animal, particularly a horse.

25 **[0002]** A bandage is generally wrapped around the horse's leg covering, for example, a portion of the leg between the hock and the hoof. Because the leg of a horse has different contours and shapes, it is not always easy to secure the bandage to the leg.



**[0003]** None of the prior art solutions are adequately adapted for locations of the leg which deviate from the largely cylindrical structure of the leg, in particular the hock or the hoof. The present invention provides means for encasing a particular portion of the horse's leg, which avoids abrasions.

5 **[0004]** Due to the different anatomical shapes of the hock and the hoof, a hock gaiter cannot be used on a hoof, and vice versa. Hence, we have developed two kinds of gaiters to allow specific protection of these areas.

10 **[0005]** To solve the problems related to uneven distribution of pressure, we have designed a new fastening system which is used in both of our particular gaiters. This system does not interfere with the shape or properties of the gaiters, but achieves an even pressure distribution.

Fig. 1a and 1b: a first embodiment of the invention

Fig. 2a and 2b: a second embodiment of the invention

15 **[0006]** The first embodiment of the invention is a protective gaiter to be secured to the hock of a horse.

**[0007]** The gaiter 10 is constructed in a particular shape: it includes an outer trapezoidal piece 20 and an inner trapezoidal piece 30, having sandwiched  
20 therebetween a quantity of shock absorbing material 40, such as neoprene.

**[0008]** Outer piece 20 and inner piece 30 are attached together such that the shock absorbing material is enveloped and retained in position. Both pieces are of a tough material having at least some elasticity. The particular shape of the pieces allows the gaiter 10 to perfectly match the contours of the hock. Thus, at the same time, the  
25 gaiter 10 provides good protection to the hock whilst preventing abrasions to the hock due to the close-fitting profile.





**[0009]** The gaiter 10 comprises releasable, securable attachment means on opposite edges. Said means includes cooperating components. This facilitates quick securing of the gaiter to the hock.

**[0010]** The first edge comprises an elastic strap of multi-loop fabric 50 sewed along its entire length, which is located on one side of the gaiter. A non-elastic strap 60 is sewn to the entire length of the opposite edge. The free end of the strap comprises a multitude of small hook-like projections 70, which are arranged to releasably engage the outer surface of the multi-loop fabric on the first edge.

**[0011]** The second embodiment of the invention is a protective gaiter to be secured to the hoof of a horse.

**[0012]** As for the gaiter for the hock, the gaiter for the hoof is constructed in a particular shape: it includes an outer piece 120 in the shape of a trapezoid with the longest side being replaced by a circular arc, and an inner piece 130 with the same shape, having sandwiched therebetween a quantity of shock absorbing material 140, such as neoprene.

**[0013]** Due to the snug-fitting shape of the gaiter abrasions are prevented, unlike prior art devices.

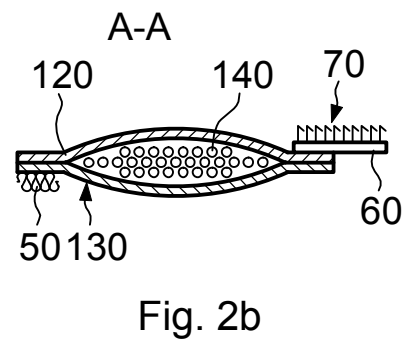
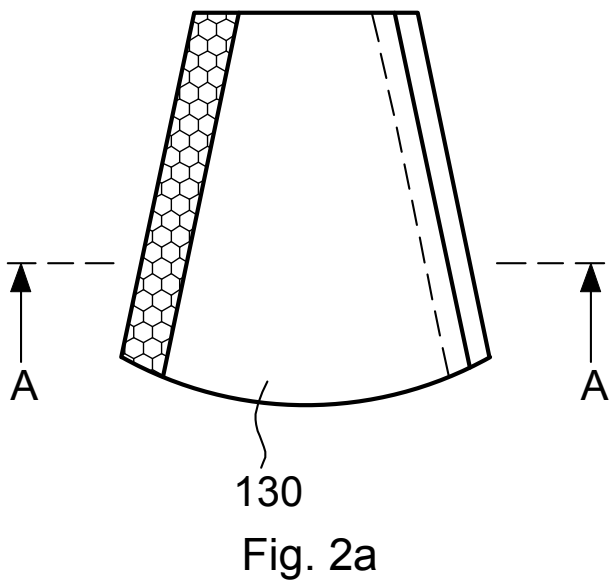
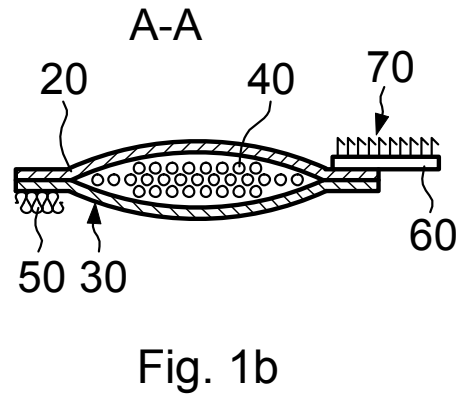
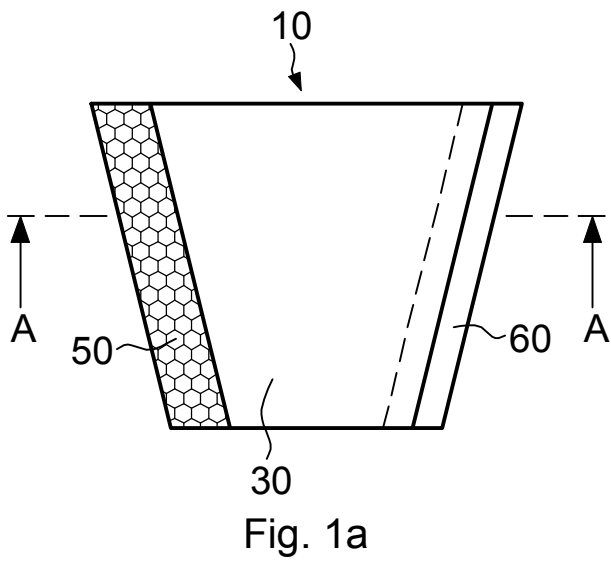
**[0014]** On opposite edges of the gaiter, attachment means are provided whose construction is identical to that described for the gaiter for the hock (same reference signs).

**[0015]** The improved fastening system could be applied to other types of gaiters or wraps requiring a more even pressure distribution.

## Claim

1. A protective gaiter for a hock or a hoof with releasable attachment means.





**[0021]** The hooves are also important structures of the horse's leg, providing support and shock absorption. Thus, in another aspect a cooling device according to the invention is shaped to conform to the contours of the hoof i.e. it takes into account the round shape and the hardness of the hoof.

- 5 **[0022]** A device which is shaped to fit the contours of the hock or the hoof will avoid abrasions due to rubbing.

Fig. 1: Cooling device according to one embodiment of the invention

Fig. 2: Sectional view along the axis A-A of the cooling device of figure 1

Fig. 3: Application of the cooling device according to the invention (21=Knee, 22=Leg,  
10 23=Hock, 24=Hoof)

**[0023]** The cooling device 1 of figures 1 and 2 includes a pair of water-permeable sheets 2, 3 of fabric.

- 15 **[0024]** The two sheets 2, 3 are sewn to provide seams 4 around the outer edges, forming a closed envelope. A series of laterally spaced-apart seams 5 extends in a parallel direction between opposite edges 6, 6' of the envelope. Another series of perpendicular, laterally spaced-apart seams 5' extend between the opposite edges 6", 6''' of the envelope. Together, both series define a number of side-by-side, non-communicating pockets 8 in which the cooling composition 7 is inserted. Hence, the composition is held inside the non-communicating pockets such that it cannot transfer or  
20 leak through to any other pockets.

- [0025]** The integrated fastening means consists of two elastic straps 9, 9', which are attached to the opposing sides 10, 10' of the envelope, along the entire length of the opposite edges 6, 6' of the envelope. The straps 9, 9' comprise complementary securing means 11, 12 on their entire surface. These securing means consist of hook-like  
25 elements 11 on one of the straps, and loop-like elements 12 on the other. When the two straps are pressed together, the two straps bind temporarily. In particular, because of the elasticity, this allows adjustable fastening of the cooling device 1.



## Notes to the notice of opposition (EPO Form 2300)

Although the opposition form is not mandatory for the purpose of filing a notice of opposition, it specifies all the information required for such a notice to be admissible and hence facilitates the formulation and processing of the opposition. In stating and explaining the grounds for opposition, the opponent is free to comment as he wishes.

Explanatory notes to the various sections:

### I. Patent opposed

Under **Patent No.** the number of the European patent against which opposition is filed (Rule 76(2)(b) EPC) must be given.

If known, the **application number and the date on which the Patent Bulletin mentions the grant** (Art. 97(3) EPC) should also be given. The latter makes it easier to monitor compliance with the opposition period.

The **title of the invention** must be given (Rule 76(2)(b) EPC); it should be indicated **as shown on the cover page of the printed patent specification** under item 54.

### II. Proprietor of the patent

Where there are **several** patent proprietors, it is sufficient for the proprietor first named in the patent specification (under item 73) to be given.

### III. Opponent

The **name, address and nationality** of the opponent and the **state** in which his residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(a) EPC). If the identity of the opponent has not been established by expiry of the opposition period, such deficiency can no longer be remedied (decision of the Technical Board of Appeal T 25/85, OJ EPO 1986, 81). An opponent may give an address for correspondence (see OJ EPO 2014, A99).

### IV. Authorisation

If the opponent has appointed a **representative**, his name and the address of his place of business must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(d) EPC). If **several** professional representatives are appointed, only one representative to whom notification is to be made should be named. Any further representatives must be named in an annex (please put a cross in the appropriate box). In the case of an association of representatives, only the name and address of the association must be entered (see Rule 143(1)(h)).

An opponent who has neither a residence nor his principal place of business within the territory of one of the EPC contracting states must be represented and act through his representative (Art. 133(2) EPC). Professional representation before the EPO may only be undertaken by professional representatives (Art. 134(1) EPC) or legal practitioners entitled to act as professional representatives (Art. 134(8) EPC).

Natural or legal persons having their residence or principal place of business within the territory of one of the EPC Contracting States may also be represented in opposition proceedings by an **employee**, who must, however, be authorised (Art. 133(3), first sentence, EPC). In this case notification will be made to the opponent (not the employee) unless a professional representative has also been authorised.

To avoid delaying the proceedings, any authorisation which has to be filed should if possible be enclosed with the opposition. Under Rule 152(1) EPC in conjunction with the decision of the President of the EPO dated 12 July 2007, listed professional representatives identifying themselves as such normally no longer need to file signed authorisations (cf. Special edition No. 3, OJ EPO 2007, L.1.). These are, however, required from legal practitioners and employees who are not professional representatives and are acting for the opponent under Articles 134(8) and 133(3), first sentence, EPC respectively. If they do not file an authorisation, the EPO will ask them to do so within a specified period. Failure to comply will result in any procedural steps performed by the practitioner or employee being deemed not to have been taken (Rule 152(6) EPC) – which means that the notice of opposition will be considered not to have been filed.

### V. Statement of the extent to which the patent is opposed

The notice of opposition must contain a statement of the extent to which the European patent is opposed (Rule 76(2)(c) EPC). If the opposition is not filed against the patent as a whole (place a cross in the appropriate box), the number(s) of the claims (as in the patent specification) which the opponent considers to be affected by one or more of the grounds for opposition must be given.

### VI. Grounds for opposition

The alleged grounds for opposition (Art. 100 EPC) must be indicated by a cross in the appropriate box(es).

Under the heading of non-patentability (Art. 100(a) EPC) the most frequently cited grounds for opposition

are lack of novelty and lack of inventive step, for which separate boxes are provided. The form otherwise gives the opponent ample scope for indicating other possible grounds for opposition. Under the heading "other grounds" the following Articles may be cited in the box provided: 52(1) and 57; 52(2); 53(a); 53(b); 53(c) EPC.

A full list of grounds for opposition is given in Article 100 EPC. The following in particular are not admissible grounds: lack of unity of invention (Art. 82 EPC), lack of clarity in the claims (Art. 84 EPC) and prior national rights (Art. 139(2) EPC).

For general information on grounds for opposition see Guidelines for Examination in the EPO, D-III, 5.

## VII. Facts and arguments presented in support of the opposition

The notice of opposition must contain an indication of the facts and evidence presented in support of the opposition (Rule 76(2)(c) EPC) and, where documents are cited, an indication of the relevant part(s) (Guidelines D-IV, 1.2.2.1).

The facts, with the relevant arguments and evidence, in support of the opposition must be presented on a separate sheet enclosed as an annex to the Form (indicated by a pre-printed cross in the box).

The fact that the evidence is listed separately in Section IX does not anticipate the presentation of facts, evidence and arguments but merely makes for greater clarity and simplifies processing of the dossier. Section IX of the Form (Evidence presented) may of course always be referred to in this presentation.

Where documents are cited in shortened form, the rules set out in the Guidelines B-X, 9.1 should be followed.

## VIII. Other requests

This section may be used for example to request oral proceedings or a file inspection.

## IX. Evidence

Published documents cited as evidence (e.g. patent specifications) must be entered under "Publications" in the spaces provided – preferably in order of importance. They should be cited in the manner described in Guidelines B-X, 9.1.

Opponents should also indicate the parts of the document on which the opposition is based (this information has to be given anyway in the statement of facts and arguments – see notes to Section VII above).

Other evidence (e.g. witnesses, affidavits, company brochures, test or expert reports) must be cited under "Other evidence" (for public prior use: place, time, nature – see Guidelines G-IV, 7.2; D-IV, 1.2.2.1(v);

for witnesses: first name and last name, full address, relationship to opponent, etc.). If there is not enough room, the evidence can simply be listed, with an indication of where in the statement of grounds the relevant particulars appear (e.g. "Witness ..., page 5").

Documents cited by a party to opposition proceedings must be filed (including publications already cited in the European patent specification) with the notice of opposition or other written submission. This will avoid an invitation from the EPO for subsequent filing thereof. If they are neither enclosed nor filed in due time on invitation, the EPO may ignore any arguments based on them (Rule 83 EPC).

## X. Payment of opposition fee

The opposition fee must be paid within the opposition period. Notice of opposition is not deemed to have been filed until the opposition fee has been paid (Art. 99(1) EPC). With regard to what constitutes the date to be considered as the date on which payment is made, see Article 7 of the Rules relating to Fees and the guidance on payment methods in the Official Journal.

## XI. List of documents enclosed

Please indicate which documents are enclosed by crossing the relevant box.

## XII. Signature

If the opponent is a legal person and the notice of opposition is not signed by the representative, it must be signed:

- (a) either by a person entitled to sign under the law or the opponent's statute, articles of association or the like, with an **indication of the capacity of the person doing so**, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Art. 133(1) EPC), in which case no authorisation need be filed;
- (b) or by another employee of the opponent, provided the latter's principal place of business is in a contracting state (Art. 133(3), first sentence; Rule 152(1) EPC), in which case an authorisation must be filed.



# Notice of opposition to a European patent

## I. Patent opposed

Patent No.

Application No.

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

Title of the invention

## II. Proprietor of the patent

first named in the patent specification

Opponent's or representative's reference  
(max. 15 keystrokes)

## III. Opponent

Name

Address

Address for correspondence

State of residence or of principal place of business

Nationality

Telephone/Fax

<input type="text"/>	<input type="text"/>
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Multiple opponents  
(see additional sheet)

☐

## IV. Authorisation

### 1. Representative

(name only one representative or name of association of representatives to whom notification is to be made)

Opponent's reference



Address of place of business

Telephone/Fax

Additional representative(s)  
on additional sheet/see authorisation

☐

2. Name(s) of employee(s) of the opponent  
authorised to act in these opposition  
proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2. not considered necessary

☐

has/have been registered  
under No.

☐

is/are enclosed

☐

**V. Opposition is filed against**

• the patent as a whole

☐

• claim(s) No(s).

**VI. Grounds for opposition:**

Opposition is based on the following grounds:

(a) the subject-matter of the European patent opposed  
is not patentable (Art. 100(a) EPC) because:

• it is not new (Art. 52(1); Art. 54 EPC)

☐

• it does not involve an inventive step (Art. 52(1);  
Art. 56 EPC)

☐

• patentability is excluded on other grounds,  
i.e. Article

☐

Art.

(b) the patent opposed does not disclose the invention  
in a manner sufficiently clear and complete for it  
to be carried out by a person skilled in the art  
(Art. 100(b) EPC; see Art. 83 EPC).

☐

(c) the subject-matter of the patent opposed extends be-  
yond the content of the application/of the earlier appli-  
cation as filed (Art. 100(c) EPC, see Art. 123(2) EPC).

☐

**VII. Facts (Rule 76(2)(c) EPC)**

presented in support of the opposition are submitted  
herewith on a separate sheet (annex 1)

☒

**VIII. Other requests:**

Opponent's reference



**IX. Evidence presented**

Evidence ☐ is enclosed  
☐ will be filed at a later date

**A. Publications:**

1	
Particular relevance (page, column, line, fig.):	
2	
Particular relevance (page, column, line, fig.):	
3	
Particular relevance (page, column, line, fig.):	
4	
Particular relevance (page, column, line, fig.):	
5	
Particular relevance (page, column, line, fig.):	
6	
Particular relevance (page, column, line, fig.):	

Continued on additional sheet ☐

**B. Other evidence**

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Continued on additional sheet ☐

Opponent's reference





**X. Payment of the opposition fee is made**

- as indicated in the enclosed voucher for payment of fees and costs (EPO Form 1010) ☐
- via EPO Online Services ☐

**XI. List of documents**

Enclosure No.

- 0 Form for notice of opposition ☒
- 1 Facts (see VII.) ☒
- 2 Copies of documents presented as evidence (see IX.)
  - a Publications ☐
  - b Other documents ☐
- 3 Signed authorisation(s) (see IV.) ☐
- 4 Voucher for payment of fees and costs (see X.) ☐
- 5 Additional sheet(s) ☐
- 6 Other ☐

Number  
of sheets

*Please specify here:*

**XII. Signature of opponent or representative**

Place

Date

Signature

Name (block capitals)

In case of legal persons, signatory's position  
within company

Opponent's reference