



## URKUNDE

Es wird hiermit bescheinigt,  
dass für die in der Patentschrift  
beschriebene Erfindung ein  
europäisches Patent für die in der  
Patentschrift bezeichneten Ver-  
tragsstaaten erteilt worden ist.

Europäisches Patent Nr.

Patentinhaber

## CERTIFICATE

It is hereby certified that a  
European patent has been granted  
in respect of the invention  
described in the patent specifica-  
tion for the Contracting States  
designated in the specification.

European patent No.

2763536

Proprietor of the patent

## CERTIFICAT

Il est certifié qu'un brevet  
européen a été délivré pour  
l'invention décrite dans le  
fascicule de brevet, pour les  
Etats contractants désignés  
dans le fascicule de brevet.

Brevet européen n°

Titulaire du brevet

Romano Natur GmbH  
Mooshalde 1  
5420 Ehrendingen/CH

**Benoît Battistelli**

Präsident des Europäischen Patentamts  
President of the European Patent Office  
Président de l'Office européen des brevets

München, den  
Munich,  
Fait à Munich, le

10.08.16

(19)



(11)

**EP 2 763 536 B1**

(12)

**EUROPEAN PATENT SPECIFICATION**

(45) Date of publication and mention of the grant of the patent:  
**10.08.2016 Bulletin 2016/32**

(21) Application number: **12772444.1**

(22) Date of filing: **14.08.2012**

(51) Int Cl:  
**A01N 43/80** <sup>(2006.01)</sup>      **A01N 51/00** <sup>(2006.01)</sup>  
**A01N 57/16** <sup>(2006.01)</sup>      **A01N 53/08** <sup>(2006.01)</sup>  
**A01N 43/30** <sup>(2006.01)</sup>      **A01N 25/28** <sup>(2006.01)</sup>  
**A01P 7/04** <sup>(2006.01)</sup>

(86) International application number:  
**PCT/IB2012/054135**

(87) International publication number:  
**WO 2013/027154 (28.02.2013 Gazette 2013/09)**

(54) **HIGH ACTIVITY ANTIPARASITIC COMPOSITION AGAINST RHYNCHOPHORUS FERRUGINEUS**

HOCHWIRKSAME ANTIPARASITÄRE ZUSAMMENSETZUNG GEGEN RHYNCHOPHORUS FERRUGINEUS

COMPOSITION ANTIPARASITAIRE À ACTIVITÉ ÉLEVÉE CONTRE RHYNCHOPHORUS FERRUGINEUS

(84) Designated 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**

(30) Priority: **22.08.2011 PCT/IB2011/053680**

(43) Date of publication of application:  
**13.08.2014 Bulletin 2014/33**

(73) Proprietor: **Romano Natur GmbH**  
**5420 Ehrendingen (CH)**

(72) Inventor: **ROMANO, Giuseppe**  
**CH-5420 Ehrendingen (CH)**

(74) Representative: **Zardi, Marco**  
**M. Zardi & Co. SA**  
**Via Pioda 6**  
**6900 Lugano (CH)**

(56) References cited:

- **KAAKEH ET AL: "Toxicity of imidacloprid to developmental stages of Rhynchophorus ferrugineus (Curculionidae: Coleoptera): Laboratory and field tests", CROP PROTECTION, ELSEVIER SCIENCE, GB, vol. 25, no. 5, 1 May 2006 (2006-05-01), pages 432-439, XP025029061, ISSN: 0261-2194, DOI: 10.1016/J.CROPRO.2005.07.006 [retrieved on 2006-05-01]**

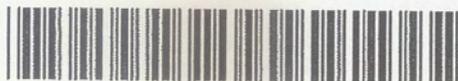
- **OSCAR DEMBILIO ET AL: "Field efficacy of imidacloprid and Steinernema carpocapsae in a chitosan formulation against the red palm weevil Rhynchophorus ferrugineus (Coleoptera: Curculionidae) in Phoenix canariensis", PEST MANAGEMENT SCIENCE, 1 January 2009 (2009-01-01), pages 365-370, XP055026711, ISSN: 1526-498X, DOI: 10.1002/ps.1882**
- **Abdul Monem Al-Shawaf: "Toxicity of certain insecticides to Rhynchophorus ferrugineus in relation to acetylcholinesterase (AChE) and monooxygenases (MFOs) activities", 1 January 2004 (2004-01-01), XP055026713, Retrieved from the Internet: URL: [http://colleges.ksu.edu.sa/FoodsAndAgriculture/PlantProtection/AcademicResearch/Thesis/toxicity of certain insecticides to Rhynchophorus ferrugineus.pdf](http://colleges.ksu.edu.sa/FoodsAndAgriculture/PlantProtection/AcademicResearch/Thesis/toxicity%20of%20certain%20insecticides%20to%20Rhynchophorus%20ferrugineus.pdf) [retrieved on 2012-05-09]**
- **E. LLÁCER ET AL: "Evaluation of the Efficacy of an Insecticidal Paint Based on Chlorpyrifos and Pyriproxyfen in a Microencapsulated Formulation Against Rhynchophorus ferrugineus (Coleoptera: Curculionidae)", JOURNAL OF ECONOMIC ENTOMOLOGY, vol. 103, no. 2, 1 April 2010 (2010-04-01), pages 402-408, XP055026718, ISSN: 0022-0493, DOI: 10.1603/EC09310**

Note: Within nine months of the publication of the mention of the grant of the European patent in the European Patent Bulletin, any person may give notice to the European Patent Office of opposition to that patent, in accordance with the Implementing Regulations. Notice of opposition shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention).

**EP 2 763 536 B1**



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Application No. 12 772 444.1 - 1454	Ref. RNG001WEP02	Date 07.03.2016
Applicant Romano Natur GmbH		

### 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:

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, 2, 4-18	as published		
3, 3a	received on	29-09-2014 with letter of	29-09-2014

#### Claims, Numbers

1-16	received on	29-09-2014 with letter of	29-09-2014
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With the following amendments to the above-mentioned documents proposed by the division

Description, Pages 5-9, 16

#### Comments

DESCRIPTION

Page 5-9,16: Adaptation of the description (Art. 84 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> or ordered from the Vienna sub-office upon payment of a fee (OJ EPO 2005, 126).

### 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](http://www.epo.org) → Law & practice → Legal texts, National law relating to the EPC

[www.epo.org](http://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](http://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 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 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. Important notes concerning fee payments

6.1 For all payments, please 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 and validation 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 Supplementary publication - OJ EPO 3/2015).

Note: If a waiver is expressed in response to a Rule 71(3) communication (see OJ EPO 2015, A52), the fee for grant, including the fee for publication/printing, and any additional claims fees will not be debited automatically. These fees must be paid separately by another means of payment allowed under the Rules relating to Fees.

### 6.3 Important information relating to 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](http://www.epo.org)) and can be found under [www.epo.org/schedule-of-fees](http://www.epo.org/schedule-of-fees), which allows the viewing, downloading and searching for individual fee amounts, both current and previous.

Please note that procedural fees are usually adjusted every two years, on even years, with effect from 1 April.

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

Bibliographical data of European patent application No. 12 772 444.1

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

**Title of invention:**

- HOCHWIRKSAME ANTIPARASITÄRE ZUSAMMENSETZUNG GEGEN RHYNCHOPHORUS FERRUGINEUS
- HIGH ACTIVITY ANTIPARASITIC COMPOSITION AGAINST RHYNCHOPHORUS FERRUGINEUS
- COMPOSITION ANTIPARASITAIRE À ACTIVITÉ ÉLEVÉE CONTRE RHYNCHOPHORUS FERRUGINEUS

**Classification:** INV. A01N43/80 A01N51/00 A01N57/16 A01N53/08 A01N43/30 A01N25/28 A01P7/04

**Date of filing:** 14.08.2012

**Priority claimed:** IB / 22.08.2011 / IBW2011053680

**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)\*\*:** Romano Natur GmbH  
Mooshalde 1  
5420 Ehrendingen  
CH

**Inventor(s):** ROMANO, Giuseppe  
Mooshalde 1  
CH-5420 Ehrendingen  
CH

\*) 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.

Title: High activity antiparasitic composition against  
Rhynchophorus ferrugineus

\* \* \* \* \*

## DESCRIPTION

### 5 **Field of the invention**

The present invention is in the field of pesticidal products. A new mixture of active ingredients able to completely terminate *Rhynchophorus ferrugineus* infestation in palms or other plants liable to this parasite is disclosed herein.

### 10 **State of the art**

*Rhynchophorus ferrugineus* (generally known as red palm weevil) is a parasite native of south-eastern Asia and Melanesia, responsible for severe damage to palm plantations. Through the trade of infected palm individuals, the species reached the Arab Emirates in the eighties, and  
15 from here it spread in the Middle East and in the countries of the southern basin of the Mediterranean Sea; in 1994 it was reported in Spain and later, in 2006, in Corse and French Côte d'Azur. The first reporting in Italy occurred in 2004, on plants imported from Egypt; in 2005 the parasite was reported in Sicily and then quickly spreading  
20 towards the centre and north of the country. A recent study estimates that this parasite might bring to extinction the palms of the city of Rome

of the leaf rachis, until final collapse of the plant: at this point, parasite colonies leave the attacked plant migrating to an adjacent individual.

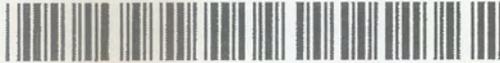
Control of *Rhynchophorus ferrugineus* is problematic due to various reasons. Adults easily move, and thus can overcome possible  
5 containment barriers, expanding infestation outbreaks. Traditional  
pesticidal products, normally efficient against other infesting species,  
were shown to be essentially inefficient against red palm weevil: in  
particular, at the present time it appears that there is no available  
product that kills the parasite shortly after contact, and that is able to  
10 completely terminate infestation without compromising viability and  
quality of the palm. Treatments are made even more difficult in that  
infestation often becomes evident only when the process is advanced,  
that is when the plant is already infested by a high number of  
differently distributed parasites: in these circumstances many parasite  
15 individuals survive the treatment, and the latter is never decisive.  
Another limit of these products is their toxicity to the plant: the  
resulting partial control of the infestation is associated with a decay of  
viability and ornamental appearance of the palm.

On the other hand, alternatives to classical pesticides are not  
20 sufficiently developed and/or not sufficiently efficient. For example, the  
employment of natural antagonists (auxiliary arthropods, nematodes,  
viruses, etc.) is still under study and, at the present time, no significant



European Patent Office  
80298 MUNICH  
GERMANY

Questions about this communication ?  
Contact Customer Services at [www.epo.org/contact](http://www.epo.org/contact)



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M. Zardi & Co. SA  
Via Pioda 6  
6900 Lugano  
SUISSE

Date	14.07.16
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Reference RNG001WEP02	Application No./Patent No. 12772444.1 - 1454 / 2763536
Applicant/Proprietor Romano Natur GmbH	

#### Decision to grant a European patent pursuant to Article 97(1) EPC

Following examination of European patent application No. 12772444.1 a European patent with the title and the supporting documents indicated in the communication pursuant to Rule 71(3) EPC (EPO Form 2004C) or in the information (EPO Form 2004W, cf. Notice from the EPO dated 8 June 2015, OJ EPO 2015, A52) dated 07.03.16 is hereby granted in respect of the designated Contracting States.

Patent No. : 2763536  
Date of filing : 14.08.12  
Priority claimed : 22.08.11/BW 2011053680

Designated Contracting States and Proprietor(s) : 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  
Romano Natur GmbH  
Mooshalde 1  
5420 Ehrendingen/CH

This decision will take effect on the date on which the European Patent Bulletin mentions the grant (Art. 97(3) EPC).

The mention of the grant will be published in European Patent Bulletin 16/32 of 10.08.16.

Examining Division

Molina De Alba J

Sawicki M

Cooper S



**ROMANO NATUR GMBH**  
Mooshalde 1  
CH - 5420 Ehrendingen

*Anticipata via e-mail*

Lugano, 23 marzo 2016

Vs. rif.: Progetto punteruolo rosso / EUROPA  
Ns. rif.: RNG001WEP02

Oggetto: Domanda di brevetto europeo No. **12772444.1**  
A nome **Romano Natur GmbH**

**Comunicazione secondo la Regola 71(3)**

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Egregio Signor Romano,

Abbiamo il piacere di informarLa che l'Ufficio Brevetti Europeo ha emesso una Comunicazione secondo la Regola 71(3) in relazione alla domanda di brevetto in oggetto, disponendone la concessione in base al testo così come definito nelle precedenti fasi della prosecuzione.

Come potrà rilevare dall'allegata copia di tale Comunicazione, l'Ufficio Brevetti Europeo ha inoltre fissato il termine del *7 luglio 2016* per il deposito della traduzione delle rivendicazioni in francese e tedesco e per il pagamento delle tasse di concessione e stampa.

Prima di procedere in questo senso, tuttavia, vorremmo avere un Suo eventuale commento, nonché la Sua definitiva approvazione al testo della descrizione e delle rivendicazioni allegato al suddetto Avviso, per il quale La preghiamo di contattarci entro il **25 aprile 2016**.

A questo proposito, La preghiamo di notare che l'Esaminatore ha apportato alcune modifiche alla descrizione, a nostro avviso accettabili.

Il costo delle operazioni sopra indicate sarà di circa CHF 3100 (IVA esclusa).

In seguito a questi atti procedurali, l'Ufficio Brevetti Europeo disporrà la concessione definitiva della domanda di brevetto in oggetto, avviando così a conclusione la fase "centralizzata" della procedura di ottenimento del relativo brevetto.

A questo proposito, avremmo piacere di conoscere, preferibilmente entro il **25 aprile 2016**, in quali e quanti Paesi, tra quelli designati all'atto del deposito, intende avviare la relativa fase nazionale.

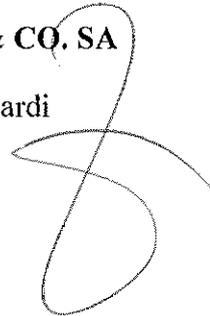
Tali Paesi sono i seguenti:

ALBANIA – AUSTRIA – BELGIO – BULGARIA – CIPRO  
SVIZZERA/LIECHTENSTEIN – REP. CECA – GERMANIA – DANIMARCA  
ESTONIA – SPAGNA – FINLANDIA – FRANCIA – REGNO UNITO  
GRECIA – CROAZIA – UNGHERIA – IRLANDA – ISLANDA  
ITALIA – LITUANIA – LETTONIA – LUSSEMBURGO – MONACO  
MACEDONIA – MALTA – OLANDA – NORVEGIA – POLONIA  
PORTOGALLO – ROMANIA – SERBIA – SVEZIA – SLOVENIA  
SLOVACCHIA – SAN MARINO – TURCHIA

In attesa di quanto sopra, rimaniamo a Sua disposizione per qualsiasi chiarimento desiderato nonché per fornirLe eventuali preventivi di spesa e porgiamo i nostri saluti più cordiali.

**M. ZARDI & CO. SA**

Marco Zardi



All.: come sopra

**ROMANO NATUR GMBH**  
Mooshalde 1  
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Raccomandata anticipata via e-mail

Lugano, 19 agosto 2016

Vs. rif.: Progetto punteruolo rosso / EUROPA  
Ns. rif.: RNG001WEP02

Oggetto: Domanda di brevetto europeo No. **12772444.1**  
A nome **ROMANO NATUR GMBH**  
**INVIO ATTESTATO**

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Egregio Signor Romano,

Abbiamo il piacere di confermarLe che la domanda di brevetto in oggetto è stata concessa. Il numero di brevetto è **EP 2 763 536** e la data di concessione è il **10 agosto 2016**.

Il relativo Attestato originale si trova in allegato per i Suoi atti, unitamente a una copia del fascicolo del brevetto concesso.

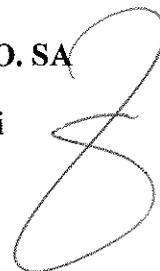
La durata del brevetto, in ciascuno degli Stati in cui viene convalidato, è di **20** anni dalla data di deposito della corrispondente domanda internazionale: il presente brevetto resterà quindi in vigore fino al **14 agosto 2032**, previo pagamento delle tasse di mantenimento, sulla scadenza delle quali sarà nostra cura mantenerLa tempestivamente informato.

Con l'occasione Le rammentiamo che il termine ultimo per le operazioni di validazione nazionale scadrà improrogabilmente il **10 novembre 2016**. La preghiamo quindi di farci sapere il più presto possibile, preferibilmente entro il **12 settembre 2016**, se intende convalidare il brevetto nei Paesi indicati nella nostra lettera del 22 luglio us.

Mentre rimaniamo in attesa di un Suo riscontro, siamo a disposizione per qualsiasi chiarimento e cogliamo l'occasione per porgere i nostri saluti più cordiali.

**M. ZARDI & CO. SA**

Marco Zardi



All.: come sopra