

Annex I

To Request for Proposals N° PTD/10/042



Terms of Reference

for the

**Provision of Translation Services of PCT Abstracts, ISRs, IPRPs, WOSAs
from Chinese into English, and the Translation of Patent-Related
Documents on Request**

CONFIDENTIAL NOTICE

This document contains information confidential and proprietary to the World Intellectual Property Organization (WIPO). The information may not be used, disclosed, or reproduced without the prior written authorization of WIPO, and those so authorized may only use this information for the purpose of evaluation consistent with the authorization. Reproduction of any section of this document must include this legend.

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Table of Contents

1	INTRODUCTION	3
1.1	The World Intellectual Property Organization.....	3
1.2	Purpose of the RFP	3
2	TYPE OF DOCUMENT TO BE OUTSOURCED	3
2.1	Abstracts	3
2.2	International Search Reports (ISRs)	4
2.3	International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs).....	5
2.4	Translation of Patent-related Documents on Request.....	6
3	QUANTITY OF OUTSOURCED DOCUMENTS	6
3.1	Abstracts	6
3.2	International Search Reports (ISRs).....	7
3.3	International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs).....	7
3.4	Translation of Patent-related Documents on Request.....	7
4	FORMAT OF OUTSOURCED DOCUMENTS	7
4.1	Abstracts	7
4.2	International Search Reports (ISRs)	8
4.3	International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs).....	8
4.4	Translation of Patent-related Documents on Request.....	8
5	FORMAT OF DOCUMENTS RETURNED	8
5.1	Abstracts	8
5.2	International Search Reports (ISRs)	9
5.3	International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs).....	9
5.4	Translation of Patent-related Documents on Request.....	9
6	CONFIDENTIALITY AND INFORMATION SECURITY	10
7	QUALITY STANDARD	10
8	INTELLECTUAL PROPERTY	11
9	TESTS	11
10	QUESTIONNAIRE	11
11	PRICE	11
12	DURATION OF CONTRACT.....	11
13	ENTRY INTO EFFECT OF CONTRACT.....	12
14	TEMPLATES AND SAMPLE DOCUMENTS (Abstracts, ISRs, IPRP/WOSA)	12-57

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1 INTRODUCTION

1.1 The World Intellectual Property Organization

The **World Intellectual Property Organization (WIPO)** is an intergovernmental organization with Headquarters in Geneva, Switzerland. It is one of the 16 Specialized Agencies of the United Nations System. WIPO is responsible for the promotion of intellectual property throughout the world.

1.2 Purpose of the RFP

The Request for Proposals (RFP) consists of the following four (4) components:

- i. Translation of *Abstracts* from Chinese into English;
- ii. Translation of *International Search Reports (ISRs)* from Chinese into English and, occasionally from English into Chinese;
- iii. Translation of *International Preliminary Reports on Patentability (IPRPs)* and *Written Opinions of the Searching Authority (WOSAs)* from Chinese into English;
- iv. Translation of *Patent-related Documents on Request*.

It is possible to bid for the entire package (items i-iv) or for separate items contained therein (such as the translation of Chinese Abstracts into English only). Preference will be given to bidders who can furnish translations of all language combinations and all document types.

WIPO retains the right not to award any of the components of the RFP if no satisfactory bids have been received for them.

2 TYPE OF DOCUMENT TO BE OUTSOURCED

2.1 Abstracts

Scientific and technical abstracts of international patent applications in Chinese are to be translated into English for the weekly PCT electronic publication. There will also be an occasional requirement to have English abstracts translated into Chinese.

Each abstract consists of a title; a short summary of the invention indicating the technical field to which the invention pertains, allowing clear understanding of the technical problem, the solution of that problem through the invention and the principal use or uses of the invention. About two-thirds of abstracts in Chinese have text to be translated in the accompanying drawing. The abstract serves as a scanning tool for the purpose of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international patent application itself. The description and the claims of the invention will not be transmitted to the Contractor.

The abstract is as concise as the disclosure permits (preferably 50 to 150 words in English or when translated into English). However, in some cases abstracts may exceed 150 words. Generally, the volume of the text of the abstract, including the title and one of the figures from the drawings (if any) does not exceed what can be accommodated on an A4 sheet of typewritten matter, 1½-spaced.

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By way of indication, in 2009, the average length of an abstract in Chinese, including the title, abstract body and any drawings containing text matter was the equivalent of 190 words in English. In 2009 the total number of abstracts translated from Chinese into English was 6,287.

Although it is a short summary, the abstract is confidential and must be handled appropriately (see Section 6, “Confidentiality and Information Security”).

Representative samples of Chinese abstracts without drawings and Chinese abstracts including drawings are contained in pages 13–15 of this Annex I – *Terms of Reference*.

Wherever possible, translation guidelines prepared by the PCT Translation Service will be provided to the Contractor.

2.2 International Search Reports (ISRs)

International Search Reports (ISRs) are established in Chinese and are to be translated into English. There will also be an occasional requirement to translate ISRs established in English into Chinese.

International Search Reports (ISR-Form PCT/ISA/210) contain citations of documents considered to be relevant and remarks concerning unity of invention and certain claims found to be unsearchable. Generally, the Contractor will be required to translate all the text contained in ISRs (except the text on certain pages specified below and excluding the standard text that appears on the form) and to enter a certain amount of data (for example, marking a number of checkboxes and inputting the international application number and IPC codes). The standard text is already translated and appears on the translation templates provided (see sample ISRs on pages 16-26). The translation must be in the standardized format of form PCT/ISA/210 (the ISR). Specifically with respect to each part of the form, the Contractor is to perform the following:

Form PCT/ISA/210 (first sheet): No translation required.

Form PCT/ISA/210 (continuation of first sheet (1)) Box I (if any): text to be entered and/or translated.

Form PCT/ISA/210 (continuation of first sheet (2)) Box II and Box III (if any): text to be entered and/or translated.

Form PCT/ISA/210 (continuation of first sheet (3)) Box No. IV (if any): no translation required.

Form PCT/ISA/210 (second sheet) Box A: text to be entered and/or translated.

Form PCT/ISA/210 (second sheet) Box B: text to be entered and/or translated.

Form PCT/ISA/210 (second sheet) Box C: text to be entered and/or translated.

Form PCT/ISA/210 (continuation of second sheet) Box C (Continuation) (if any): text to be entered and/or translated.

Form PCT/ISA/210 (patent family annex) (if any): text to be entered and/or translated.

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Form PCT/ISA/210 (extra sheet) (if any): text to be entered and/or translated.

Currently, the average length of an ISR that includes only citation passages is the equivalent of 145 words in English. The text may include English citations which need to be inserted into the translation.

10 to 15% of ISRs contain technical and/or legal text matter to be translated in addition to the citation passages. This additional text matter is the equivalent of 150 to 175 words in English.

Representative samples in Chinese of i) an ISR containing only citations and ii) an ISR also containing technical and/or legal text for translation can be found at the end of this Annex I, pages 16-26.

An ISR template is provided in Annex II (Response Requirements and Tests) for the specific purpose of inputting the ISR test translations.

Wherever possible, translation guidelines prepared by the PCT Translation Service will be provided to the Contractor.

2.3 International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs)

Patentability reports (*the International Preliminary Report on Patentability, and the Written Opinion of the International Searching Authority*), providing an opinion as to whether an international application meets the criteria of patentability (novelty, inventive step and industrial applicability), established in Chinese are to be translated into English.

A patentability report is generally communicated 18 months after the international filing date of an international application and the translation process generally starts 2 months earlier. This means that for the purposes of this Request for Proposals, patentability reports will not become available for translation until November 2012 at the earliest.

The original documents generally contain a technical discussion of the invention described in the application, accompanied by legal arguments based on the articles and rules of the Patent Cooperation Treaty (<http://www.wipo.int/pct/en/texts/articles/atoc.htm>) and the criteria set forth in the PCT International Search and Preliminary Examination Guidelines (<http://www.wipo.int/pct/en/texts/pdf/ispe.pdf>). The average number of target words per report is 450 words when translated into English, but this figure may vary between individual reports. The reports cover a wide range of technical fields.

The Contractor will be able to access related documents useful in the translation of the reports, such as the description, claims and drawings of each International Application, via the WIPO website, at: <http://www.wipo.int/pctdb/en/>.

Background documents such as the PCT Guidelines, the Patent Cooperation Treaty and translation guidelines prepared by PCT Translation Service will be provided to the Contractor.

Generally, the Contractor will be required to translate all text matter contained in the reports, excluding the standard text that appears on the form, and to enter a very limited amount of data (this entails marking a number of checkboxes). This standard text is already translated and appears on the translation templates provided (examples of the templates are attached

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to this document, Annex I; please see pages 43-57). Specifically with respect to each part of the form, the Contractor is to perform the following:

Front page: No translation required.

Boxes I to IV: Translation of text matter (if any). This text matter can be included in the box itself and/or on a separate sheet.

Box V (Reasoned statement): Entering claim numbers listed under section 1. Translation of text matter under section 2. This text matter can be included in the box itself and/or on a separate sheet.

Boxes VI to VIII: Translation of text matter (if any). This text matter can be included in the box itself and/or on a separate sheet.

Supplemental Box Relating to Sequence Listing (in the International Preliminary Report on Patentability only): Translation of text matter (if any).

Representative samples of IPRPs and WOSAs in Chinese can be found at the end of this document, Annex I; see pages 27-57.

Wherever possible, translation guidelines prepared by the PCT Translation Service will be provided to the Contractor.

2.4 Translation of Patent-related Documents on Request

Patent descriptions, claims and other patent-related documents such as the World Patent Report, PCT Yearly Review and PCT Guidelines may be translated from English into Chinese, and from Chinese into English, on request. A representative sample of the type of documents to be outsourced for translation on request can be found at: http://www.wipo.int/ipstats/en/statistics/patents/wipo_pub_931.html.

3 QUANTITY OF OUTSOURCED DOCUMENTS

3.1 Abstracts

The estimated number of Chinese abstracts to be translated into English in 2011 is 10,000.

The above-mentioned volume may be divided up by WIPO among several Contractors, based on quality of service and price.

The number of abstracts outsourced for translation will not normally exceed a certain volume specified by the Contractor, e.g. 25, 50, 100, 200 files per week, unless the Contractor agrees to a request made by WIPO for an increase in this volume. WIPO does not, however, guarantee to meet or exceed said estimated quantities. The number of words per abstract may also vary.

The Contractor will have two calendar weeks to deliver the translated abstracts to WIPO.

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3.2 International Search Reports (ISRs)

In 2009 the number of International Search Reports (ISRs) established in Chinese was 6,287. The estimated number of International Search Reports (ISRs) for translation in 2011 is: 10,000.

3.3 International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs)

The estimated number of *International Preliminary Reports on Patentability* (IPRPs) and *Written Opinions of the Searching Authority* (WOSAs) to be translated from November 2012 to the end of 2013 is: 13,300.

The average number of target words per report is 450 words in English, but this figure may vary between individual reports.

3.4 Translation of Patent-related Documents on Request

The quantities of documents to be translated on request will fluctuate according to demand. It is expected that, initially, said quantities will remain small.

4 FORMAT OF OUTSOURCED DOCUMENTS

4.1 Abstracts

The abstracts will be transmitted by WIPO to the Contractor in electronic form **via a secure server** in the form of a ZIP package made available on the WIPO server for Electronic Data Interchange (EDI) (SFTP).

This ZIP package will contain:

- (i) a zipped file containing the page of the abstract, and the first page of the description containing the title of the invention,
- (ii) a zipped file containing the page of the drawing (if any) for translation, in TIFF format, and
- (iii) a WORD template (.rtf) in which the translation is to be entered and containing the international application (IA) number and the IPC codes (if available);
- (iv) an index file (.csv) containing the list of IA numbers corresponding to the documents in the ZIP package.

During the life of the contract, distribution in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

4.2 International Search Reports (ISRs)

ISRs in Chinese will be transmitted by WIPO to the Contractor via the secure WIPO server for Electronic Data Interchange (EDI) (SFTP), in a ZIP package containing:

- (i) the original Chinese ISR as a ZIP file containing a number of TIFF images (scanned pages of the original paper document);
- (ii) a form in WORD format in which the translation is to be entered;
- (iii) an index file (.csv), containing a list of IA numbers corresponding to the documents in the ZIP.

During the life of the contract, distribution in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

4.3 International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs)

The Contractor will receive ZIP packages from WIPO containing a number of original reports for translation, together with the translation forms that are to be completed and returned to WIPO. The ZIP package will contain:

- (i) the original Chinese report as a ZIP file containing a number of TIFF images (scanned pages of the original paper document);
- (ii) a form in WORD format in which the translation is to be entered and containing administrative information from the original report (such as international application (IA) number, main applicant's name, priority date, various checkboxes, etc.);
- (iii) an index file (.csv) containing a list of IA numbers corresponding to the documents in the ZIP.

During the life of the contract, distribution in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

4.4 Translation of Patent-related Documents on Request

Documents outsourced for translation on request will be transmitted in an electronic format agreed upon by WIPO.

5 FORMAT OF DOCUMENTS RETURNED

5.1 Abstracts

The translations will be transmitted by the Contractor to WIPO in electronic form **via a secure server** in the form of a ZIP package. This package will contain i) the templates in WORD format (.rtf) in which translations have been entered, and having a file name in compliance with WIPO standards, and ii) where applicable (for example, lack of drawing reference numbers), a ZIP file containing a scanned copy in TIFF format of the drawing page

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with drawing reference numbers added, and having a file name in compliance with WIPO standards, and iii) the index file containing the list of IA numbers corresponding to the documents translated.

The original source language abstracts and drawings sent to the Contractor should not be returned to WIPO.

The Contractor must also check that each file submitted to WIPO is a translation into the target language.

During the life of the contract, transmission in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

5.2 International Search Reports (ISRs)

The translations of ISRs will be transmitted by the Contractor to WIPO in electronic form **via a secure server** in the form of a ZIP package. This package will contain the templates in WORD format (.doc) in which translations have been entered, and having a file name in compliance with WIPO standards. If a sheet of the template is not used, this sheet should not be included in the template returned to WIPO.

The original source language ISRs sent to the Contractor should not be returned to WIPO.

The Contractor will also send, by email, a list containing the IA numbers of the documents translated in the ZIP.

During the life of the contract, transmission in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

5.3 International Preliminary Reports on Patentability (IPRPs) and Written Opinions of the Searching Authority (WOSAs)

The translations will be transmitted by the Contractor to WIPO in electronic form **via a secure server** in the form of a ZIP package. This package will contain the templates in WORD format (.doc) in which translations have been entered, and having a file name in compliance with WIPO standards.

The original source language reports sent to the Contractor should not be returned to WIPO.

The Contractor will also send, by email, the CSV file containing the list of IA numbers of the documents translated with their word count.

During the life of the contract, transmission in the form of an SDL Trados package or alternative computer-assisted translation package may also be implemented.

5.4 Translation of Patent-related Documents on Request

The translated documents will be returned by the Contractor to WIPO in an electronic format agreed upon by WIPO.

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6 CONFIDENTIALITY AND INFORMATION SECURITY

All documents subject to this Request for Proposals (RFP) are confidential, including without limitation, all information provided to the bidder by WIPO. It is the responsibility of the bidder to ensure that all such documents and information remain protected from public disclosure or access, even when they are in the possession of subcontractors.

The means of transmitting these documents between WIPO and the bidder must be secure. WIPO data must be encrypted at rest and in communication across open public networks, with encryption keys being centrally managed and master keys being stored securely. The bidder must explain how it will ensure said security (in Annex III - *Questionnaire*).

The bidder's internal means of handling Abstracts and Patentability Reports must also be secure. A firewall must be installed and maintained, and access to sites such as social media sites must be restricted. In any case, an integral and essential component of the bidder's proposal must be a detailed presentation of its information security arrangements (in Annex III – *Questionnaire*).

After the award of a contract, the Contractor will be expected to sign specific Non-disclosure and Information Security Agreements, copies of which are attached as Annexes VIII and IX to this RFP and which can be subject to further negotiation.

At any stage in the life of a contract, Contractors translating large volumes of WIPO documents may be required to submit to an information security audit carried out by an external company. The costs of said audit would be borne by the Contractor.

In any event, the Contractor should be aware that any failure to ensure confidentiality of WIPO information, including any breach by any subcontractor, will expose the Contractor to a full range of remedies, including damages.

7 QUALITY STANDARD

All translations by the Contractor should be rendered publication-ready, commensurate with what an experienced technical translator can offer. The term "publication-ready" is to be understood to mean that the translation respects the formatting conventions specified by WIPO and is devoid of typographical, spelling and grammatical mistakes. The translations should also be written in clear, correct and readable English and/or Chinese, the content and meaning of the original must have been accurately rendered in the target language, and a high level of terminological consistency and technical accuracy must be achieved.

WIPO will carry out a quality control procedure with regard to the translations received and will apply any measures it deems necessary, including reduction of volumes of outsourced translations and termination of the contract, in order to improve and ensure quality.

WIPO's quality control procedure will involve checking a percentage of each batch of translations supplied by the Contractor, assessing the translations according to criteria of quality and grading them according to levels of acceptability. If more than 20% of a sample is found not to meet WIPO's quality standards, WIPO reserves the right to return the entire batch to the Contractor. The Contractor will resubmit the failed and returned batch to WIPO within a time-limit agreed to by both parties in writing. WIPO will only pay for a translation

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batch that has previously failed the WIPO minimum quality standard if the batch is resubmitted to WIPO on schedule and if it subsequently meets WIPO's minimum standards.

WIPO will also endeavor to provide such guidelines as are deemed necessary to ensure that the Contractor has sufficient guidance with regard to preferred terminology, standard phraseology, background documents and in-house style.

8 INTELLECTUAL PROPERTY

All translations provided by the Contractor shall remain the exclusive property of WIPO. The Contractor shall also agree to share with WIPO, at no additional cost, any and all translation memories resulting from the process of translating WIPO-related documents.

9 TESTS

Bidders wishing to submit proposals will be required to provide test translations in the appropriate language combinations (see "Tests" contained in Annex II – *Response Requirements and Tests*). Only bidders which have successfully completed the tests for abstracts and/or IPRPs/WOSAs will be considered for translation of Patent-related Documents on Request.

10 QUESTIONNAIRE

Bidders wishing to submit proposals are required to complete the confidential questionnaire contained in Annex III.

11 PRICE

Abstracts

The bidder will quote a unit price per abstract in Swiss Francs.

International Search Reports

The bidder will quote a unit price in Swiss Francs per International Search Report (ISR).

Patentability Reports

The bidder will quote a price in Swiss Francs per 1,000 words when translated into English.

Translation on Request

The bidder will quote a price in Swiss Francs per 1,000 words in English.

Please note that all prices quoted must be valid for three (3) years. The bidder should also indicate any quantity discounts wherever possible.

12 DURATION OF CONTRACT

The contract will be awarded for a period of three (3) years and will be renewable annually on two occasions up to a maximum of five (5) years from the start date. The contract can be terminated at fourteen (14) days' notice. An initial probationary period of three (3) months will be foreseen for all Contractors.

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13 ENTRY INTO EFFECT OF CONTRACT

Contracts for the translation of the above-mentioned documents will enter into effect no earlier than 1st July 2011.

14 TEMPLATES AND SAMPLE DOCUMENTS

The following pages contain sample documents. They are:

1. WO 2009/055969: Abstract with drawing (2 pages, pp. 13-14);
2. WO 2010/025590: Abstract without drawing (1 page, p. 15);
3. PCT/CN2007/003106: ISR with citations only (3 pages, pp. 16-18);
4. PCT/CN2009/071610: ISR with citations and additional technical material (8 pages, pp. 19-26);
5. Form PCT/ISA/237 (*Written Opinion of the International Searching Authority*): Blank WOSA template (9 pages, pp. 27-35);
6. PCT/CN2008/002110: WOSA (7 pages, pp. 36-42);
7. Form PCT/IPEA/409 (*International Preliminary Report on Patentability*): Blank IPRP template (9 pages, pp. 43-51);
8. PCT/CN2008/001727: IPRP2 (6 pages, pp. 52-57).

Additional examples of these various documents may be consulted on the WIPO Patentscope® site, <http://www.wipo.int/pctdb/en/index.jsp>

(12) 按照专利合作条约所公布的国际申请

(19) 世界知识产权组织
国际局(43) 国际公布日
2009年5月7日 (07.05.2009)

PCT

(10) 国际公布号
WO 2009/055969 A1

- (51) 国际专利分类号:
H04L 1/18 (2006.01)
- (21) 国际申请号: PCT/CN2007/003106
- (22) 国际申请日: 2007年11月1日 (01.11.2007)
- (25) 申请语言: 中文
- (26) 公布语言: 中文
- (71) 申请人 (仅对中国): 上海贝尔阿尔卡特股份有限公司 (ALCATEL SHANGHAI BELL COMPANY, LTD.) [CN/CN]; 中国上海市浦东金桥出口加工区宁桥路388号, Shanghai 201206 (CN)。
- (71) 申请人 (对除中国, 美国外的所有指定国): 阿尔卡特朗讯 (ALCATEL LUCENT) [FR/FR]; 法国巴黎市波艾蒂耶大街54号, Paris 75008 (FR)。
- (72) 发明人; 及
- (75) 发明人/申请人 (仅对美国): 史清 (SHI, Qing) [CN/CN]; 中国上海市浦东金桥出口加工区宁桥路388号, Shanghai 201206 (CN)。 倪巍 (NI, Wei) [CN/CN]; 中国上海市浦东金桥出口加工区宁桥路388号, Shanghai 201206 (CN)。
- (74) 代理人: 北京市金杜律师事务所 (KING & WOOD PRC LAWYERS); 中国北京市朝阳区东三环中路39号建外SOHO A座31层, Beijing 100022 (CN)。
- (81) 指定国 (除另有指明, 要求每一种可提供的国家保护): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TT, TM,

[续页]

(54) Title: METHOD OF AUTOMATIC RETRANSMISSION IN WIRELESS COMMUNICATION NETWORK AND DEVICE THEREOF

(54) 发明名称: 无线通信网络中用于进行自动重传的方法和装置

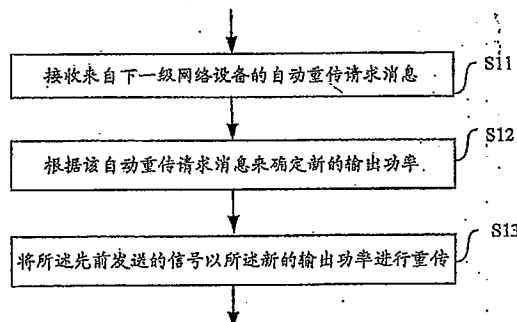


图3 / Fig. 3

S11 receiving an automatic retransmission request message from a next level network equipment
 S12 determining a new output power according to the automatic retransmission request message
 S13 re-transmitting the signal previously sent with the new output power

(57) Abstract: A method of automatic retransmission in source equipment of wireless communication network and device thereof are disclosed. The source equipment first receives an automatic retransmission request message from a next level network equipment; second, it retransmits the signal previously sent with an increased output power according to the automatic retransmission request message. During the process of retransmission, the source equipment adjusts its output power (increasing its output power) to retransmit the signal previously sent every time that it receives an automatic request message. Because the original equipment retransmits the signal previously sent with an increased output power, the reliability of signal retransmission is greatly increased, and average network delay time is thereby reduced.

[见续页]



TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

IT, LI, LU, LV, MC, MT, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(84) 指定国 (除另有指明, 要求每一种可提供的地区保护): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), 欧亚 (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), 欧洲 (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS,

根据细则4.17的声明:

— 发明人资格(细则4.17(iv))

本国际公布:

— 包括国际检索报告。

(57) 摘要:

本发明提供了一种在无线通信网络的源设备中用于进行自动重传的方法以及装置, 源设备首先接收来自下一级网络设备的自动重传请求消息; 其次根据所述自动重传请求消息, 将先前发送的信号以增大的输出功率重新进行发送。在重传过程中, 源设备每接收到一个自动重传请求消息, 就调整其输出功率(增大其输出功率)对先前发送的信号进行重传, 由于源设备是以增大的输出功率对先前发送的信号进行重新发送的, 因此, 信号重传的可靠性大大增加, 从而减少了网络的平均延迟时间。

(12) 按照专利合作条约所公布的国际申请

(19) 世界知识产权组织
国际局(43) 国际公布日
2010年3月11日 (11.03.2010)

PCT

(10) 国际公布号
WO 2010/025590 A1

- (51) 国际专利分类号:
C08G 63/85 (2006.01) C08G 63/16 (2006.01)
C08G 63/78 (2006.01)
- (21) 国际申请号: PCT/CN2008/002110
- (22) 国际申请日: 2008年12月29日 (29.12.2008)
- (25) 申请语言: 中文
- (26) 公布语言: 中文
- (30) 优先权:
200810042621.0 2008年9月8日 (08.09.2008) CN
- (71) 申请人 (对除美国外的所有指定国): 上海华明高技术 (集团) 有限公司 (SHANGHAI HUAMING HI-TECH (GROUP) CO., LTD.) [CN/CN]; 中国上海市华泾路 1305 弄 18 号, Shanghai 200231 (CN)。
- (72) 发明人; 及
- (75) 发明人/申请人 (仅对美国): 孔凡滔 (KONG, Fantao) [CN/CN]; 中国上海市顾戴路 1325 弄 23 号 601 室, Shanghai 201102 (CN)。 杨景辉 (YANG, Jinghui) [CN/CN]; 中国上海市梅陇四村 93 号 1304 室, Shanghai 200237 (CN)。 吴秋芳 (WU, Qiufang) [CN/CN]; 中国上海市罗秀路 955 弄 20 号 502 室, Shanghai 200237 (CN)。 马新胜 (MA, Xinsheng) [CN/CN]; 中国上海市天等路 258 弄 32 号 1301 室, Shanghai 200237 (CN)。 李福清 (LI, Fuqing) [CN/CN]; 中国上海市梅陇路化工一村 109 号 401 室, Shanghai 200237 (CN)。
- (74) 代理人: 上海金盛协力知识产权代理有限公司 (SHANGHAI CO-EFFORT IPR AGENT CO., LTD.); 中国上海市陆家嘴环路 958 号华能联合大厦 31 楼 罗大忱, Shanghai 200120 (CN)。
- (81) 指定国 (除另有指明, 要求每一种可提供的国家保护): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW。
- (84) 指定国 (除另有指明, 要求每一种可提供的地区保护): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), 欧亚 (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), 欧洲 (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)。
- 根据细则 4.17 的声明:
— 发明人资格(细则 4.17(iv))
- 本国际公布:
— 包括国际检索报告(条约第 21 条(3))。

(54) Title: CATALYST FOR PRODUCING POLYBUTYLENE SUCCINATE AND COPOLYESTER THEREOF, AND PREPARING METHODS OF THE CATALYST

(54) 发明名称: 制备聚丁二酸丁二醇酯及其共聚酯的催化剂及其制备方法

(57) Abstract: Preparing methods of catalyst for producing polybutylene succinate and copolyester thereof, which comprise (1) adding titanium alcoholate, silicon alcoholate, glycol and metal cocatalyst to solvent, reacting at 80-180°C, and removing unreacted substances and small molecule products from the reaction system, (2) adding complexing agent and continuing the reaction, then removing small molecules and collecting the catalyst from reaction products; or which comprise (1) adding titanium alcoholate, glycol and metal cocatalyst to solvent, reacting at 80-180°C, and removing unreacted substances and small molecule products from the reaction system, (2) adding silicon alcoholate and complexing agent and continuing the reaction, then removing small molecules and collecting the catalyst from reaction products.

(57) 摘要:

制备聚丁二酸丁二醇酯及其共聚酯的催化剂及其制备方法, 所述方法包括: (1) 将钛醇盐、硅醇盐、二元醇和金属助催化剂加入溶剂, 于 80~180°C 下反应, 分离除去反应体系中未反应物质及小分子生成物; (2) 加入络合剂继续反应, 分离除去小分子, 从反应产物中收集所述催化剂。或者所述方法包括: (1) 将钛醇盐、二元醇和金属助催化剂加入溶剂, 于 80~180°C 下反应, 分离除去反应体系中未反应物质及小分子生成物; (2) 加入硅醇盐和络合剂继续反应, 分离除去小分子, 从反应产物中收集所述催化剂。

专利合作条约

PCT

国际检索报告

(PCT18 和细则 43 和 44)

申请人或代理人的档案号 EIE070032PCT	关于后续 行 为	见国际检索报告的传送通知书 (PCT/ISA/220 表) 和, 适用时, 见下面第 5 项
国际申请号 PCT/CN2007/003106	国际申请日(日/月/年) 01.11 月 2007(01.11.2007)	(最早的)优先权日(日/月/年)
申请人 上海贝尔阿尔卡特股份有限公司 等		

按照条约 18 由国际检索单位作出的国际检索报告送交申请人。报告副本送交国际局。

本国际检索报告总计 3 页。

它还附有本报告所引用的各现有技术文件的副本。

1. 报告的基础

a. 关于语言; 进行国际检索基于:

申请提出时使用的语言。

该申请的____语言译文; 为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23.1(b))。

b. 本国际检索报告考虑了该单位认可的根据细则 91 条所做出的明显错误更正。(细则 43.6 之二(a))。

c. 关于国际申请中公开的核苷酸和/或氨基酸序列表, 见第 I 栏。

2. 某些权利要求被认为是不能检索的(见第 II 栏)。

3. 缺乏发明的单一性(见第 III 栏)。

4. 关于发明名称,

同意申请人提出的发明名称。

发明名称由本国际检索单位确定如下:

5. 关于摘要,

同意申请人提出的摘要。

根据细则 38.2(b)摘要(抄录在第 IV 栏中)由本国际检索单位制定。自本国际检索报告邮寄日起一个月内, 申请人可以向本单位提出意见。

6. 关于附图,

a. 随摘要一起公布的附图是 图 3 _____:

按照申请人建议的。

因为申请人没有建议一幅图。

因为该图能更好地表示发明的特征。

b. 无摘要附图

国际检索报告

国际申请号
PCT/CN2007/003106

A. 主题的分类		
H04L1/18 (2006.01)i		
按照国际专利分类表(IPC)或者同时按照国家分类和 IPC 两种分类		
B. 检索领域		
检索的最低限度文献(标明分类系统和分类号)		
IPC: H04L1/00 H04B7/005		
包含在检索领域中的除最低限度文献以外的检索文献		
在国际检索时查阅的电子数据库(数据库的名称, 和使用的检索词(如使用))		
CPRS, CNKI: ARQ, 功率; WPI, EPODOC, PAJ: ARQ, power		
C. 相关文件		
类型*	引用文件, 必要时, 指明相关段落	相关的权利要求
X	CN1777084A (华为技术有限公司) 24.5 月 2006 (24.05.2006) 说明书第 2 页第 14 行到第 3 页第 9 行, 摘要	1-3, 7-9
A	CN1734966 A (华为技术有限公司) 15.2 月 2006 (15.02.2006) 全文	1-12
A	CN1411182A (华为技术有限公司) 16.4 月 2003 (16.04.2003) 全文	1-12
A	CN1692580A (松下电器产业株式会社) 02.11 月 2005 (02.11.2005) 全文	1-12
A	CN1771675A (艾利森电话股份有限公司) 10.5 月 2006 (10.05.2006) 全文	1-12
<input type="checkbox"/> 其余文件在 C 栏的续页中列出。 <input checked="" type="checkbox"/> 见同族专利附件。		
* 引用文件的具体类型:		
“A” 认为不特别相关的表示了现有技术一般状态的文件		“T” 在申请日或优先权日之后公布, 与申请不相抵触, 但为了理解发明之理论或原理的在后文件
“E” 在国际申请日的当天或之后公布的在先申请或专利		“X” 特别相关的文件, 单独考虑该文件, 认定要求保护的发明不是新颖的或不具有创造性
“L” 可能对优先权要求构成怀疑的文件, 或为确定另一篇引用文件的公布日而引用的或者因其他特殊理由而引用的文件		“Y” 特别相关的文件, 当该文件与另一篇或者多篇该类文件结合并且这种结合对于本领域技术人员为显而易见时, 要求保护的发明不具有创造性
“O” 涉及口头公开、使用、展览或其他方式公开的文件		“&” 同族专利的文件
“P” 公布日先于国际申请日但迟于所要求的优先权日的文件		
国际检索实际完成的日期 22.7 月 2008 (22.07.2008)		国际检索报告邮寄日期 31.7 月 2008 (31.07.2008)
中华人民共和国国家知识产权局(ISA/CN) 中国北京市海淀区蓟门桥西土城路 6 号 100088 传真号: (86-10)62019451		受权官员 吴兴强 电话号码: (86-10) 62411337

国际检索报告
关于同族专利的信息

国际申请号
PCT/CN2007/003106

检索报告中引用的 专利文件	公布日期	同族专利	公布日期
CN1777084A	24.05.2006	无	
CN1734966 A	15.02.2006	无	
CN1411182A	16.04.2003	CN1155182C	23.06.2004
CN1692580A	02.11.2005	WO2004047338A1	03.06.2004
		JP2004173017A	17.06.2004
		AU2003284559A1	15.06.2004
		EP1519498A1	30.03.2005
		JP3679089B2	03.08.2005
		US2005186983A1	25.08.2005
CN1771675A	10.05.2006	WO2004091114A1	21.10.2004
		EP1614231A1	11.01.2006
		INMUMNP200500706E	30.09.2005
		KR20050119199A	20.12.2005
		JP2006523072T	05.10.2006
		US2007049316A1	01.03.2007

专 利 合 作 条 约

PCT

国际检索报告

(PCT18 和细则 43 和 44)

申请人或代理人的档案号 YGP090430zy	关于后续 行 为	见国际检索报告的传送通知书 (PCT/ISA/220 表) 和, 适用时, 见下面第 5 项
国际申请号 PCT/CN2009/071610	国际申请日(日/月/年) 30.4 月 2009(30.04.2009)	(最早的)优先权日(日/月/年) 12.12 月 2008(12.12.2008)
申请人 余榕捷		

按照条约 18 由国际检索单位作出的国际检索报告送交申请人。报告副本送交国际局。

本国际检索报告总计 8 页。

它还附有本报告所引用的各现有技术文件的副本。

1. 报告的基础

a、关于语言, 进行国际检索基于:

申请提出时使用的语言。

该申请的 语言译文, 为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23.1(b))。

b、 本国际检索报告考虑了该单位认可的根据细则91条所做出的明显错误更正。(细则43.6之二(a)).

c、 关于国际申请中公开的核苷酸和/或氨基酸序列表, 见第 I 栏。

2. 某些权利要求被认为是不能检索的(见第II 栏)。

3. 缺乏发明的单一性(见第III 栏)。

4. 关于发明名称,

同意申请人提出的发明名称。

发明名称由本国际检索单位确定如下: 一种短肽及其制备方法和用途

5. 关于摘要,

同意申请人提出的摘要。

根据细则 38.2(b)摘要(抄录在第 IV 栏中)由本国际检索单位制定。自本国际检索报告邮寄日起一个月内, 申请人可以向本单位提出意见。

6. 关于附图,

a. 随摘要一起公布的附图是 1 :

按照申请人建议的。

因为申请人没有建议一幅图。

因为该图能更好地表示发明的特征。

b. 无摘要附图

国际检索报告

国际申请号

PCT/CN2009/071610

第I栏 核苷酸和/或氨基酸序列表(接第1页第1(b)项)

1、关于国际申请中所公开的是对要求保护的发明所必要的核苷酸和/或氨基酸序列表,国际检索是在下列基础上进行的:

a. 材料的类型

 序列表 与序列表相关的表格

b. 材料的形式

 纸件形式 电子形式

c. 提交/提供时间

 包括于已提交的国际申请。 以电子形式与国际申请一起提交。 为检索之用随后提交本国际检索单位。

2、 另外,在提交/提供了多个序列表和/或与其相关的表格的版本或副本的情况下,提供了关于后提交的或附加的副本与已提交之国际申请中的序列表相同或未超出国际申请中序列表范围(如适用)的声明。

3. 补充意见

国际检索报告

国际申请号

PCT/CN2009/071610

第II栏 关于某些权利要求不能作为检索主题的意见(接第1页第2项)

按条约 17(2)(a)对某些权利要求未作国际检索报告的理由如下:

1. 权利要求: 5-7

因为它们涉及到不要求本国际检索单位进行检索的主题, 即:

尽管权利要求 5-7 涉及对人体或动物体疾病的诊断或者治疗的方法(参见 PCT 条约第 17 条(2)(a) (i) 和实施细则 39.1(iv)), 但是权利要求 5-7 的检索是基于可能被合理预期修改的主题, 即“权利要求 1-2 所述的肽在制备诊断或治疗与垂体腺苷酸环化酶激活多肽和血管活性肠肽相关疾病的药用配制品中的应用”。

2. 权利要求:

因为它们涉及到国际申请中不符合规定的要求的部分, 以致不能进行任何有意义的国际检索, 具体地说:

3. 权利要求:

因为它们是从属权利要求, 并且没有按照细则 6.4(a)第 2 句和第 3 句的要求撰写。

第III栏 关于缺乏发明单一性时的意见(接第1页第3项)

本国际检索单位在该国际申请中发现多项发明, 即:

参见附加页

1. 由于申请人按时缴纳了被要求缴纳的全部附加检索费, 本国际检索报告针对全部可作检索的权利要求。

2. 由于无需付出有理由要求附加费的劳动即能对全部可检索的权利要求进行检索, 本国际检索单位未通知缴纳任何附加费。

3. 由于申请人仅按时缴纳了部分被要求缴纳的附加检索费, 本国际检索报告仅涉及已缴费的那些权利要求。具体地说, 是权利要求:

4. 申请人未按时缴纳被要求的附加检索费。因此, 本国际检索报告仅涉及权利要求中首次提及的发明; 包含该发明的权利要求是:

关于异议的说明: 申请人缴纳了附加检索费, 同时提交了异议书, 缴纳了异议费。

申请人缴纳了附加检索费, 同时提交了异议书, 但未缴纳异议费。

缴纳附加检索费时未提交异议书。

第IV栏 摘要正文(接第1页第5项)

提供了一种氨基酸序列为 His-Ser-Asp-Gly-Ile 的短肽以及它的环状类似物 cyclo-(Cys-His-Ser-Asp-Gly-Ile-Cys)。也提供了通过固相合成法制备该环七肽的方法, 以及该短肽和环七肽在诊断或治疗与垂体腺苷酸环化酶激活多肽 (PACAP) 和血管活性肠肽 (VIP) 相关疾病中的应用。

国际检索报告

国际申请号
PCT/CN2009/071610

A. 主题的分类

参见附加页

按照国际专利分类表(IPC)或者同时按照国家分类和 IPC 两种分类

B. 检索领域

检索的最低限度文献(标明分类系统和分类号)

IPC: C07K; A61K; A61P

包含在检索领域中的除最低限度文献以外的检索文献

在国际检索时查阅的电子数据库(数据库的名称, 和使用的检索词(如使用))

WPI; EPODOC; PAJ; BIOSIS; MEDLINE 和关键词: pituitary adenylate cyclase activating peptide, PACAP, vasoactive intestinal peptide, VIP, amino, N termin##, variant?, fragment?, analog???, cyclic, Cys, disulfide 等
CNKI; CPRS 和关键词: 垂体腺苷酸环化酶激活肽, PACAP, 血管活性肠肽, VIP, 氨基末端, 变体, 片段, 类似物, 环肽, Cys, 二硫键等

EMBL; GenBank: His-Ser-Asp-Gly-Ile 和 cyclo-(Cys-His-Ser-Asp-Gly-Ile-Cys)

C. 相关文件

类型*	引用文件, 必要时, 指明相关段落	相关的权利要求
X A	JASIONOWSKI, M.等, Conformational studies of PACAP(1-27) and its fragments. Letters in Peptide Science. 10月 1998年, 第5卷, 第5-6期, 第371-374页 摘要和第373页 全文	1 2-7
X A	KOWALIK-JANKOWSKA, T.等, Copper(II) complexation by pituitary adenylate cyclase activating polypeptide fragments. Journal of Inorganic Biochemistry. 30.7月 1999(30.07.1999), 第76卷, 第1期, 第63-70页 第64页和表1 全文	1 2-7

 其余文件在 C 栏的续页中列出。 见同族专利附件。

* 引用文件的具体类型:

“A” 认为不特别相关的表示了现有技术一般状态的文件
“E” 在国际申请日的当天或之后公布的在先申请或专利
“L” 可能对优先权要求构成怀疑的文件, 或为确定另一篇引用文件的公布日而引用的或者因其他特殊理由而引用的文件
“O” 涉及口头公开、使用、展览或其他方式公开的文件
“P” 公布日先于国际申请日但迟于所要求的优先权日的文件

“T” 在申请日或优先权日之后公布, 与申请不相抵触, 但为了理解发明之理论或原理的在后文件
“X” 特别相关的文件, 单独考虑该文件, 认定要求保护的发明不是新颖的或不具有创造性
“Y” 特别相关的文件; 当该文件与另一篇或者多篇该类文件结合并且这种结合对于本领域技术人员为显而易见时, 要求保护的发明不具有创造性
“&” 同族专利的文件

国际检索实际完成的日期
03.9月 2009(03.09.2009)国际检索报告邮寄日期
24.9月 2009 (24.09.2009)

中华人民共和国国家知识产权局(ISA/CN)
中国北京市海淀区蓟门桥西土城路6号 100088
传真号: (86-10)62019451

受权官员
汪波莉
电话号码: (86-10) 62411097

国际检索报告

国际申请号

PCT/CN2009/071610

C(续). 相关文件

类 型	引用文件, 必要时, 指明相关段落	相关的权利要求
A	GOURLET, P.等, Fragments of pituitary adenylate cyclase activating polypeptide discriminate between type I and II recombinant receptors. European Journal of Pharmacology. 04. 12月 1995(04.12.1995), 第287卷, 第1期, 第7-11页 全文	1-7
A	CN 1658896 A (MONDOBIOTECH LAB ANSTALT) 24. 8月 2005(24.08.2005) 全文	1-7
A	WO2007065226 A1(VECTUS BIOSYSTEMS LTD) 14. 6月 2007(14.06.2007) 全文	1-7

国际检索报告
关于同族专利的信息国际申请号
PCT/CN2009/071610

检索报告中引用的 专利文件	公布日期	同族专利	公布日期
CN1658896 A	24.08.2005	WO03103702A1	18.12.2003
		AU2003236072A1	22.12.2003
		BR0305039A	09.11.2004
		NO20040488A	07.04.2004
		EP1515745A1	23.03.2005
		JP2005535607T	24.11.2005
		US2006241028A1	26.10.2006
		INDELNP200503926E	02.03.2007
		CN1313149CC	02.05.2007
		CN101015679A	15.08.2007
		US2008274961A1	06.11.2008
		EP1515745B1	18.03.2009
		AU2003236072B2	23.10.2008
DE60326723E	30.04.2009		
WO2007065226 A1	14.06.2007	AU2006322656A1	14.06.2007
		EP1976548A1	08.10.2008
		KR20080075551A	18.08.2008
		US2009005315A1	01.01.2009
		CN101325964A	17.12.2008
		JP2009518316T	07.05.2009
		CA2632581A1	14.06.2007
		TW200730538A	16.08.2007
		MXPA08007381A	30.06.2008
INKOLNP200802668E	23.01.2009		

续: 第 III 栏

本国际单位认为权利要求书包括 2 组发明, 如下所示:

发明 1: 权利要求 1、5 (全部) 和 7 (部分) 涉及一种氨基酸序列为 His-Ser-Asp-Gly-Ile 的短肽及其应用。

发明 2: 权利要求 2-4、6 (全部) 和 7 (部分) 涉及一种结构式为 cyclo-(Cys-His-Ser-Asp-Gly-Ile-Cys) 的环七肽及其制备方法和应用。

由于现有技术文件, 例如 Letters in Peptide Science 第 5 卷, 第 5-6 期, 第 371-374 页 (JASIONOWSKI, M. 等) 和 Journal of Inorganic Biochemistry 第 76 卷, 第 1 期, 第 63-70 页 (KOWALIK-JANKOWSKA, T. 等) 已经公开了氨基酸序列为 His-Ser-Asp-Gly-Ile 的短肽, 因此上述两组发明之间没有相同或者相应的特定技术特征, 从而不能相互关联以形成一个总的发明构思, 不符合 PCT 实施细则 13.1 的规定。

主题的分类

C07K 7/06 (2006.01) i
 C07K 1/06 (2006.01) i
 A61K 38/08(2006.01) i
 A61P 1/04 (2006.01) i
 A61P 3/00 (2006.01) i
 A61P 3/04 (2006.01) i
 A61P 3/10 (2006.01) i
 A61P 7/00 (2006.01) i
 A61P 9/00 (2006.01) i
 A61P 9/10 (2006.01) i
 A61P 9/12 (2006.01) i
 A61P 13/12 (2006.01) i
 A61P15/00 (2006.01) i
 A61P15/10 (2006.01) i
 A61P25/00 (2006.01) i
 A61P25/06 (2006.01) i
 A61P25/22 (2006.01) i
 A61P25/28 (2006.01) i
 A61P27/00 (2006.01) i
 A61P29/00 (2006.01) i
 A61P35/00 (2006.01) i

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

FOR FURTHER ACTION
See paragraph 2 below

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

Applicant

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 or 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.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ Facsimile No.	Date of completion of this opinion	Authorized officer Telephone No.
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. I Basis of this 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 filed or furnished:
 - a. (means)
 - on paper
 - in electronic form
 - b. (time)
 - in the international application as filed
 - together with the international application in electronic form
 - subsequently to this Authority for the purposes of search
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 in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. II

Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No. _____

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application
 claims Nos. _____

because:

- the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international search (*specify*):

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

- the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

- no international search report has been established for said claims Nos. _____
- a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
- furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
 - furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
- pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).
- See Supplemental Box for further details.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

专利合作条约

发信人: 国际检索单位

收信人:

200120

中国上海市浦东新区陆家嘴环路958号华能联合
大厦31楼
上海金盛协力知识产权代理有限公司

罗大忱

PCT

国际检索单位书面意见
(PCT 细则 43 之二 .1)

发文日(日/月/年)

11.6 月 2009 (11.06.2009)

申请人或代理人的档案号

PCTHM080994

后续行为

见下面第 2 段

国际申请号

PCT/CN2008/002110

国际申请日(日/月/年)

29.12 月 2008(29.12.2008)

优先权日(日/月/年)

08.9 月 2008(08.09.2008)

国际专利分类(IPC)或国家分类和 IPC 两种分类

见补充栏

申请人

上海华明高技术(集团)有限公司等

1. 本意见包括关于下列各项的内容:

- I 意见的基础
 II 优先权
 III 不出关于新颖性、创造性和工业实用性的意见
 IV 缺乏发明的单一性
 V 按照细则 43 之二.1(a)(i)关于新颖性、创造性或工业实用性的理由; 支持这种意见的引证和解释
 VI 引用的某些文件
 VII 国际申请中的某些缺陷
 VIII 对国际申请的某些意见

2. 后续行为

如果提出初步审查要求书, 本次意见将被视为国际初步审查单位(IPEA)的一次书面意见(如果申请人选择的国际初步审查单位非本机构, 而且所选国际初步审查单位已按照细则 66.1 之二(b)通知国际局将不考虑国际检索单位的书面意见时例外)。

如本书面意见被视为国际初步审查单位的书面意见, 则请申请人在自 PCT/ISA/220 发文之日起 3 个月或自优先权日起 22 个月内(以后届满者为准)向国际初步审查单位提交书面答复并提交修改(如适用),

3. 详细信息请见 PCT/ISA/220 表格的说明

中华人民共和国国家知识产权局(ISA/CN)

中国北京市海淀区蓟门桥西土城路 6 号 100088

传真号: (86-10)62019451

完成本意见的日期

04.6 月 2009
(04.06.2009)

授权官员

李开扬

电话号码: (86-10) 62084429

国际检索单位书面意见

国际申请号

PCT/CN2008/002110

I. 意见的基础

1. 关于语言, 制定书面意见基于:

 申请提出时使用的语言。 该申请的____语言译文, 为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23.1(b))。2. 该书面意见的制定考虑了该单位认可的根据细则 91 条所做出的明显错误更正(细则 43 之二 1(a))。3. 关于国际申请中所公开的核苷酸和/或氨基酸序列表和对所称发明的必要性, 该书面意见是在下列基础上制定的:

a. 材料的类型

 序列表 与序列表相关的表格

b. 材料的形式

 纸件形式 电子形式

c. 提交/提供时间

 包括于已提交的国际申请。 电子形式与国际申请一起提交。 为检索目的随后提交给本国际检索单位。4. 另外, 在提交/提供了多个核苷酸和/或氨基酸序列表和/或与其相关的表格的版本或副本的情况下, 提供了关于后提交的或附加的副本与已提交的国际申请中的序列表相同或未超出国际申请中序列表范围(如适用)的声明。

5. 补充意见

II. 优先权

1. 没有考虑优先权的有效性；因为国际检索单位没有获得被要求优先权的在先申请的副本，或需要时该在先申请的译本。然而本意见是在假定所称优先权日是相关日的情况下作出的（细则 43 之二.1 和 64.1）。
2. 由于发现所要求的优先权是无效的，因此本意见是按照如同没有要求任何优先权的情况须做出的（细则 43 之二.1 和 64.1），因而，本意见中上面指明的国际申请日被认为是相关日。
3. 补充意见（如必要时）：

经核实，优先权有效。

V. 按细则 43 之二.1 关于新颖性、创造性或工业实用性的理由；支持这种意见的引证和解释

1. 意见

新颖性(N)	权利要求 1-3, 5, 6	是
	权利要求 4, 7-10	否
创造性(IS)	权利要求 无	是
	权利要求 1-10	否
工业实用性(IA)	权利要求 1-10	是
	权利要求 无	否

2. 引证和解释

参考以下的文献：

D1: CN1644601A 27 July 2005 (27.07.2005)

D1 公开了一种制备液态钛聚酯缩聚催化剂的方法，其包含在溶剂中加热钛酸异丙酯、乙二醇、有机磷酸酯或羟基羧酸或其混合物、正硅酸乙酯和一种金属元素的醋酸盐，进行反应而得到该催化剂。钛酸异丙酯与乙二醇的摩尔比为 1:2 至 1:10，钛酸异丙酯与磷酸酯或羟基羧酸的摩尔比为 1:2 至 1:0.5，钛酸异丙酯与正硅酸乙酯的摩尔比为 10:1 至 5:1，钛酸异丙酯与金属元素的摩尔比为 30:1 至 10:1，钛酸异丙酯与溶剂的摩尔比为 1:2 至 1:30。在实施例中，将钛酸正丁酯、乙二醇、和醋酸钠或醋酸锌或醋酸镁添加到乙醇中，在 80-200℃下反应 0.5-3 小时，从反应体系中除去部分小分子，然后添加正硅酸乙酯和磷酸三乙酯或柠檬酸，在 80-200℃下反应 0.5-3 小时，从反应体系中除去副产物，最后得到了液态钛聚酯缩聚催化剂。

现有技术并未明确地或隐含地公开权利要求 1 中的以下步骤：在溶剂中使钛醇盐、硅醇盐、二醇和金属助催化剂于 80~180℃下反应，然后添加络合剂并在 80~180℃下反应，从而得到催化剂。因此权利要求 1 的主题具备 PCT 第 33 条 (2) 意义上的新颖性。

D1 代表了本领域最相关的技术现状，其公开了上述制备聚酯缩聚催化剂的方法，其与权利要求 1 的主题的区别在于是在第二个反应步骤中与络合剂一起添加正硅酸乙酯。但是在第一反应步骤中添加硅醇盐和在第一反应步骤中添加硅醇盐是等效的，这对本领域技术人员来说是公知的，并且本申请中也未表明在第一反应步骤中添加硅醇盐相对于在第二反应步骤中添加硅醇盐产生了出人意料的效果。因此，权利要求 1 的主题对所属领域技术人员来说是显而易见的，不具备 PCT 条约第 33 (3) 意义上的创造性。

权利要求 2-3 是权利要求 1 的从属权利要求，因此也具备 PCT 第 33 条 (2) 意义上的新颖性。

D1 中并未明确地或隐含地公开权利要求 2 和 3 中的温度范围。但是，上述温度范围仅仅是所属领域技术人员为了以有效方式得到该催化剂，根据具体情况不需要创造性的技能便可以选择的常规反应条件。因此，权利要求 2 和 3 的主题对所属领域技术人员来说是显而易见的，不具备 PCT 条约第 33 (3) 意义上的创造性。

权利要求 4 和 10 中的每个元素或步骤都被对比文件 D1 明确地公开了，权利要求 4 和 10 的主题不具备 PCT 第 33 条 (2) 意义上的新颖性。

权利要求 5-6 是权利要求 4 的从属权利要求。D1 中并未明确地或隐含地公开权利要求 5 和 6 中的温度范围，因此权利要求 5 和 6 具备 PCT 第 33 条 (2) 意义上的新颖性。但是，上述温度范围仅仅是所属领域技术人员为了以有效方式得到该催化剂，根据具体情况不需要创造性的技能便可以选择的常规反应条件。因此，权利要求 5 和 6 的主题对所属领域技术人员来说是显而易见的，不具备 PCT 条约第 33 (3) 意义上的创造性。

权利要求 7-9 是权利要求 4 的从属权利要求，并且权利要求 7-9 的附加技术特征已在对比文件 1 中公开。因此，权利要求 7-9 的主题不具备 PCT 第 33 条 (2) 意义上的新颖性。

权利要求 1-10 的发明在制备聚丁二酸丁二醇酯及其共聚酯合成用催化剂的领域中可以使用，因此符合 PCT 条约第 33 条 (4) 意义上的实用性。

VI. 某些引用文件

1. 某些已公布的文件(细则 43 之二.1 和 70.10)

申请号 专利号	公布日 (日/月/年)	申请日 (日/月/年)	优先权日(有效的) (日/月/年)
CN101270185A	24.09.2008	20.03.2007	

2. 非书面公开(细则 43 之二.1 和 70.9)

非书面公开的种类	非书面公开的日期 (日/月/年)	述及非书面公开的 书面公开的日期 (日/月/年)

VIII. 对国际申请的某些意见

就权利要求、说明书和附图的清楚性或者就权利要求是否得到说明书的充分支持提出以下意见：

权利要求 2, 3, 5, 6 和 9 中使用的语句“优选”导致这些权利要求不清楚。如果这些选项是为了提供发明更优选的方案, 则应当作为一项或多项从属权利要求提出。权利要求 2, 3, 5, 6 和 9 不符合 PCT 第 6 条的规定。

补充栏

(当前面的任何一栏篇幅不够时使用本栏)

续 栏:

IPC 国际专利分类(IPC)或国家分类和 IPC 两种分类

C08G 63/85 (2006.01) i

C08G 63/78 (2006.01) i

C08G 63/16 (2006.01) n

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No.	International filing date (<i>day/month/year</i>)	Priority date (<i>day/month/year</i>)
International Patent Classification (IPC) or national classification and IPC		
Applicant		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of _____ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of _____ sheets, as follows:

- sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3bis of Annex C of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the report
- 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 Article 35(2) with regard to novelty, inventive step or 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

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. _____

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on:</p> <p><input type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> a translation of the international application into _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rules 12.3(a) and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4(a))</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2(a) and/or 55.3(a))</p>
2.	<p>With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input type="checkbox"/> the description:</p> <p>pages _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings:</p> <p>sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p>
5.	<p><input type="checkbox"/> This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).</p>
6.	<p><input type="checkbox"/> Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box No. II Priority

1. This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
 - copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
 - translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

2. This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. _____

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application
- claims, Nos. _____

because:

- the said international application, or said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):

- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

- the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

- no international search report has been established for said claims Nos. _____

- a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

- furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

- pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.

- See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	_____	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	_____	YES
	Claims	_____	NO
2. Citations and explanations (Rule 70.7)			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.

Publication date
(day/month/year)

Filing date
(day/month/year)

Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

专利合作条约

PCT

专利性国际初步报告

(PCT 第II章)

(PCT 第 36 条和细则 70)

申请人或代理人的档案号 209003PI	关于后续行为 参见 PCT/IPEA/416 表	
国际申请号 PCT/CN2008/001727	国际申请日(日/月/年) 13.10 月 2008(13.10.2008)	优先权日(日/月/年) 12.10 月 2007(12.10.2007)
国际专利分类(IPC)或者国家分类和 IPC 参见补充栏		
申请人 经建中 等		
<p>1. 本报告是国际初步审查单位根据条约第 35 条制定的国际初步审查报告, 并依照条约第 36 条传送给申请人。</p> <p>2. 本报告共计 6 页, 包括本扉页。</p> <p>3. 本报告还有附件, 包括:</p> <p>a. <input checked="" type="checkbox"/> (传送给申请人和国际局) 共计 27 页, 如下:</p> <p><input type="checkbox"/> 修改后的并且作为本报告基础的说明书修改页、权利要求修改页和/或附图修改页, 和/或由本单位许可的更正页(见细则 70.16 和行政法规第 607 条)。</p> <p><input checked="" type="checkbox"/> 取代在先页的修改页, 本单位认为这些修改页含有的修改超出了国际申请提交时的公开范围, 如第 I 栏第 4 项和补充栏所示。</p> <p>b. <input type="checkbox"/> (仅传送给国际局) 共计 (指明电子载体的类型和数量) _____, 包含有在与序列列表有关的补充栏中指定的仅为电子形式的序列列表和/或与其相关的表格。(见行政法规第 802 条)</p>		
<p>4. 本报告包括关于下列各项标明的内容:</p> <p><input checked="" type="checkbox"/> 第 I 栏 报告的基础</p> <p><input checked="" type="checkbox"/> 第 II 栏 优先权</p> <p><input checked="" type="checkbox"/> 第 III 栏 不做出关于新颖性、创造性和工业实用性的意见</p> <p><input type="checkbox"/> 第 IV 栏 缺乏发明的单一性</p> <p><input checked="" type="checkbox"/> 第 V 栏 按条约第 35 条(2)关于新颖性、创造性或工业实用性的推断性声明; 支持这种声明的引证和解释</p> <p><input type="checkbox"/> 第 VI 条 某些引用的文件</p> <p><input type="checkbox"/> 第 VII 栏 国际申请中的某些缺陷</p> <p><input type="checkbox"/> 第 VIII 栏 对国际申请的某些意见</p>		
提交要求书的日期 18.5 月 2009(18.05.2009)	完成本报告的日期 11.2 月 2010 (11.02.2010)	
IPEA/CN 的名称和邮寄地址: 中华人民共和国国家知识产权局 中国北京市海淀区蓟门桥西土城路 6 号 100088 传真号: (86-10) 62019451	受权官员 郭彦华 电话号码 (86-10) 62084842	

专利性国际初步报告

国际申请号

PCT/CN2008/001727

第I栏 报告的基础

1. 关于语言, 本报告的制定基于:

- 国际申请提交时使用的语言。
 该国际申请的____语言译文, 提供该种语言的译文是为了:
 国际检索(细则 12.3 (a) 和 23.1 (b))。
 国际申请的公布(细则 12.4 (a))。
 国际初步审查(细则55.2 (a) 和/或55.3 (a))。

2. 关于国际申请中各个部分, 本报告基于(申请人为答复受理局根据条约 14 所发通知而提供的替换页, 在本报告中视为“原始提交”的文件, 不作为本报告的附件)

- 原始提交/提供的国际申请。
 说明书: 第_____页 原始提交/提供的,
第_____页*, _____ 本单位收到的,
第_____页*, _____ 本单位收到的。
 权利要求: 第_____页, 原始提交/提供的,
第_____页*, 按条约 19 条修改的(附有任何声明),
第_____页*, _____ 本单位收到的,
第_____页*, _____ 本单位收到的。
 附图: 第_____页, 原始提交/提供的。
第_____页*, _____ 本单位收到的,
第_____页*, _____ 本单位收到的。
 序列表和/或任何相关表格——见与序列表有关的补充栏。

3. 修改导致以下内容的删除:

- 说明书: 第_____页。
 权利要求: 第_____项。
 附图: 第_____页/图_____。
 序列表(具体说明): _____。

4. 由于本报告附件的(某些)修改, 如下所列, 被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照没有修改的情况做出的(细则 70.2(c))。

- 说明书: 第 6, 8, 13, 16, 20 页
 权利要求: 第 7, 9 项
 附图: 第_____页/图_____
 序列表(具体说明): _____

5. 本报告考虑了本单位许可的或被通知的根据细则 91 所做出的明显错误更正。(细则 70.2 (e))6. 本报告考虑了申请人关于国际检索单位的书面意见的答复和/或意见, 该答复和/或意见由本单位于
18.5 月 2009(18.05.2009) 收到。7. 由_____作出的补充国际检索报告已经收到并且在制定本意见时已经考虑了该报告。

*如果第 4 项适用, 一些或全部的文件页可能做出“被取代”标记。

专利性国际初步报告

国际申请号

PCT/CN2008/001727

第II栏 优先权

1. 本报告的制定是如同没有要求优先权做出的，因为在规定的期限内没有提供所需要的：

被要求优先权的在先申请的副本（细则 66.7 (a)）。

被要求优先权的在先申请的译文（细则 66.7 (b)）。

2. 由于发现所要求的优先权是无效的，因此本报告是如同没有要求任何优先权做出的（细则 64.1）。因而，为了本报告的目的，上面指明的国际申请日被认为是相关日。

3. 补充意见（如必要）：

经核实，本申请的优先权是有效的。

专利性国际初步报告

国际申请号

PCT/CN2008/001727

第III栏 不做出新颖性、创造性和工业实用性的意见

对于:

- 整个国际申请
 权利要求4.7.9

没有审查所要求保护的发明是否具有新颖性, 创造性(非显而易见性), 或者工业实用性,

因为:

- 该国际申请, 或所述权利要求4.7.9

涉及下列不要求进行国际初步审查的主题(具体说明):

权利要求 4、7 和 9 都包括将一些血液组分“回输”的技术特征, 因此其主题属于对血液进行处理且将血液返回到同一体内的情形, 属于排除的主题。

- 说明书、权利要求书或者附图(下面特别指明的部分)或者所述权利要求
不清楚, 以致不能形成任何有意义的意见(具体说明):

- 权利要求书或所述权利要求 _____ 没有得到说明书的充分支持,
以致不能形成任何有意义的意见(具体说明):

- 对所述权利要求 4.7.9 _____ 没有做出任何国际检索报告。

- 没有序列列表, 无法做出有意义的意见; 申请人在规定的期限内:

- 没有提供符合《行政规程》附件 C 规定标准的纸件形式的序列列表, 并且国际初步审查单位也未获得形式和方式可以被接受的序列列表。

- 没有提供符合《行政规程》附件 C 规定标准的电子形式的序列列表, 并且国际初步审查单位也未获得形式和方式可以被接受的序列列表。

- 在答复根据细则 13 之三.1 (a) 或(b)和 13 之三.2 的通知提交序列列表时, 没有缴纳所要求的后提交费。

- 详情见补充栏。

专利性国际初步报告

国际申请号

PCT/CN2008/001727

第V栏 按照条约第35条(2)关于新颖性、创造性或工业实用性的推断性声明; 支持这种声明的引证和解释

1. 声明

新颖性(N)	权利要求 1-3, 5, 6, 8	是
	权利要求 无	否
创造性(IS)	权利要求 无	是
	权利要求 1-3, 5, 6, 8	否
工业实用性(IA)	权利要求 1-3, 5, 6, 8	是
	权利要求 无	否

2. 引证和解释 (细则 70.7)

参照以下文件:

D1: US4386730A

1. 权利要求 1 请求保护一种多细胞成分混合液体分离系统上的分离盘。D1 是与权利要求 1 的主题最接近的现有技术, 其公开了一种适用于分离血液组分的离心组件 (参见说明书第 3 栏第 14 行至第 4 栏第 64 行, 权利要求 1-10, 附图 1-3), 该离心组件包括金属或塑料或复合材料制成的离心辊筒和一次性的细长的流体容器, 该辊筒设有离心转轴, 该流体容器上设有多个管连接件, 该辊筒上有中心件, 该中心件与该辊筒同心, 在中心件和辊筒之间有通道, 该通道环绕该中心件一周, 该流体容器适于设置在该通道内, 该通道具有最内端和最外端, 由两段连续的平滑弧线段构成, 其中一段为螺旋线段。D1 未公开在软袋的中部设有进液管, 以及腔隙的外侧壁与硬底盘的外侧壁之间部分由透明材料制成, 因此, 权利要求 1 及直接或间接引用其的权利要求 2、3、5、6 和 8 的主题具备 PCT 第 33 条(2)规定的新颖性。

2. 权利要求 1 的主题与 D1 的区别在于在软袋的中部设有进液管, 以及腔隙的外侧壁与硬底盘的外侧壁之间部分由透明材料制成。进液管的设置位置是本领域技术人员的常用技术手段。而使用透明材料以使人们可以对该装置的运行进行观察也是本领域技术人员的常用技术手段。这些常用技术手段与 D1 的结合是显而易见的。因此权利要求 1 的主题不具备 PCT 第 33 条(3)规定的创造性。

3. 从属权利要求 2、3、5 和 6 的附加技术特征也被 D1 所公开 (参见说明书第 3 栏第 14 行至第 4 栏第 64 行, 权利要求 1-10, 附图 1-3)。因此权利要求 2、3、5 和 6 的主题不具备 PCT 第 33 条(3)规定的创造性。

4. 从属权利要求 8 的附加技术特征尽管未被 D1 所公开, 但为了从其中分离多种组分, 使用三个或多个相互连接的弧线段是本领域技术人员的常用技术手段, 因此权利要求 8 的主题不具备 PCT 第 33 条(3)规定的创造性。

5. 权利要求 1-3、5、6 和 8 的主题可以在工业中制造和使用, 因此具备 PCT 条约第 33 条(4)规定的工业实用性。

6. 申请人在 2009 年 5 月 18 日的意见陈述书中陈述了 D1 与本申请在分离原理、具体结构和应用范围方面的区别。首先, 在分离原理方面, D1 与本申请都是采用离心分离对全血进行分离, D1 中利用管道截面积的变化也同样产生了浪涌作用。其次, 在具体结构方面, 本申请的通道结构和软袋都是 D1 中的相应构造的具体体现形式。再次, 在应用范围方面, 由于 D1 已经公开了从全血中分离两种组分的装置和方法, 但为了从其中分离多种组分, 使用三个或多个相互连接的弧线段是本领域技术人员的常用技术手段, 因此本领域的技术人员有动机将该装置和方法进行改进而使其适用于分离全血中的三种或多种组分。因此申请人的意见陈述不成立。

补充栏

当前面的任何一栏地方不够时使用

续: 国际专利分类(IPC)或国家分类和 IPC 两种分类 栏:

B01D 17/038 (2006.01) i

A61M 1/36 (2006.01) i

续: 第I栏第4项:

2009年5月18日提交的说明书第6、8、13、16和20页和权利要求7和9中将“回输人体”修改为“回输”，然而，“回输”并不仅限于回输至人体，也包括回输至动物体或其他对象的情形，后者并未包括在本申请提出时的内容中。因此在2009年5月18日提交的上述修改引入了超出本申请提出时内容的主题，不符合PCT第34条(2)(b)的规定。