

WIPO



PCT/MIA/III/7

ORIGINAL: English

DATE: February 17, 1992

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PCT**

**Second Session
Geneva, March 9 to 13, 1992**

DRAFT OF PROPOSED MODIFIED FORMS FOR USE BY
THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES

prepared by the International Bureau

1. The annex to this document contains:
 - (i) the draft of the modified Written Opinion Form (PCT/IPEA/408) and
 - (ii) the draft of the modified International Preliminary Examination Report Form (PCT/IPEA/409)for use by the International Preliminary Examining Authorities.

2. The modifications take into account the amendments to the PCT Regulations, as well as suggestions received from the United Kingdom Patent Office and the European Patent Office, as agreed at the first Meeting of International Authorities (see paragraph 19 of document PCT/MIA/I/8).

4. The drafts of Forms PCT/IPEA/408 and 409 now contain substantially the same indications or types of indications, and the order of appearance of the various portions is the same. This should help the examiners in establishing the written opinion or the international preliminary examination report, as the case may be, and will permit using those parts of a written opinion which are still valid for a subsequent written opinion or for the report. Their similar structure would help the applicants not only to more readily understand them but also, later, to compare the report with the opinion(s).

5. Each portion could preferably start on a separate sheet and it could be envisaged that only portions actually used need to be part of the opinion or report, as the case may be. In this regard, both Forms are now proposed to contain on the front page a table of contents.

6. The proposed modifications would also facilitate producing the Forms by computer as well as filling them in or producing the filled-in Forms by computer.

7. The drafts of the proposed modified Forms are submitted to the International Preliminary Examining Authorities for their observations and for the purpose of the consultations required under Rule 89.2(b).

[Annex follows]

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To:

		Date of mailing (day/month/year)
Applicant's or agent's file reference		REPLY DUE within months/days from the above date of mailing
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC		
Applicant		

1. This written opinion is the _____ (first, etc.) drawn by this International Preliminary Examining Authority.

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

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. If that time limit is not sufficient, the applicant may, before the expiration of that time limit, request this Authority to grant an extension.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: _____

Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.
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International application No. _____

WRITTEN OPINION

I. Basis of the opinion

1. This opinion has been drawn on the basis of:

- the international application as originally filed.
- the description, pages _____, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
- the claims, pages _____, as originally filed,
pages _____, as amended under Article 19,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
- the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
- the statement under Article 19,
- the arguments presented with the demand,
- the arguments presented with the letter of _____.

2. The amendments have resulted in the cancellation of: pages: _____
sheets of drawings/figures No.: _____

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box.

4. Additional observations, if necessary:

II. Priority

- 1. This opinion 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.
 - translation of the earlier application whose priority has been claimed.
- 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.
- 3. Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

International application No. _____

WRITTEN OPINION

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 and will not be 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 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.

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

WRITTEN OPINION

International application No. _____

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees, for the following reasons:

3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this opinion:

- all parts.
- the parts relating to the restricted claims, that is claims Nos. _____ .
- the parts relating to the main invention, that is claims Nos. _____ .

International application No.

WRITTEN OPINION

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

WRITTEN OPINION

International application No.

V. Certain documents cited

1. Certain published documents

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
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2. Non-written disclosures

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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WRITTEN OPINION

International application 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

International application 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:

WRITTEN OPINION

International application No.

Supplemental Box
(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box [No.]:

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Date of mailing	NO REPLY DUE	However, see Notification of Transmittal of International Preliminary Examination Report (Form PCT/ISA/416) for further action.
International application No.	Applicant's or agent's file reference	
International filing date (<i>day/month/year</i>)	(Earliest) Priority Date (<i>day/month/year</i>)	
International Patent Classification (IPC) or national classification and IPC		
Applicant		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of _____ sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings amended during international preliminary examination and/or containing rectifications made before this Authority.

These annexes consist of a total of _____ sheets.

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

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- 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 application No. _____

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

I. Basis of the report

1. This report has been drawn on the basis of:

- the international application as originally filed.
- the description, pages _____, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____,
- the claims, pages _____, as originally filed,
pages _____, as amended under Article 19,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____,
- the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____,
- the statement under Article 19,
- the arguments presented with the demand,
- the arguments presented with the letter of _____.

2. The amendments have resulted in the cancellation of: pages: _____
sheets of drawings/figures No.: _____.

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box.

4. Additional observations, if necessary:

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.
 - translation of the earlier application whose priority has been claimed.
- 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.
- 3. Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application 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 and will not be 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 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.

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

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

IV. Lack of unity of invention

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- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees, for the following reasons:

3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to the restricted claims, that is claims Nos. _____ .
- the parts relating to the main invention, that is claims Nos. _____ .

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application 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

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

V. Certain documents cited

1. Certain published documents

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
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2. Non-written disclosures

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

VII. Certain defects in the international application

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

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application 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:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

Supplemental Box

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box [No.]: