

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(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
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International application No.	International filing date (day/month/year)	Priority date (day/month/year)
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International Patent Classification (IPC) or both national classification and IPC

Applicant

<p>1. <input type="checkbox"/> The written opinion established by the International Searching Authority: <input type="checkbox"/> is <input type="checkbox"/> is not considered to be a written opinion of the International Preliminary Examining Authority.</p> <p>2. This _____ (first, etc.) opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input type="checkbox"/> Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>3. The applicant is hereby invited to reply to this opinion.</p> <p>When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).</p> <p>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 55.3 and 66.8.</p> <p>Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4<i>bis</i>. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.</p> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p> <p>4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: _____</p>
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Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
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International application No. _____

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed.
 - a translation of the international application into _____ which is the language of a translation furnished for the purposes of:
 - international search (Rules 12.3(a) and 23.1(b)).
 - publication of the international application (Rule 12.4(a)).
 - international preliminary examination (Rules 55.2(a) and/or 55.3(a) and (b)).
2. With regard to the **elements** of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):
 - the international application as originally filed/furnished
 - the description:
pages _____ as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
 - the claims:
Nos. _____ as originally filed/furnished
Nos. _____ as amended (together with any statement) under Article 19
Nos. _____ received by this Authority on _____
Nos. _____ received by this Authority on _____
 - the drawings:
pages _____ as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
 - a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
4. This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
5. 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 66.1(d-bis)).
 - without taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 66.4bis).
6. Supplementary international search report(s) from Authority(ies) _____ has/have been received and taken into account in establishing this opinion (Rule 45bis.8(b) and (c)).

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International application No.

Box No. 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 (Rule 66.7(a)).
 - translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

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 (Rule 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:

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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 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 in the form of an Annex C/ST.25 text file, and such listing was not available to the International Preliminary Examining Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

- furnish a sequence listing on paper or in the form of an image file 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 the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

- 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.

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Box 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, within the applicable time limit:
- restricted the claims.
 - paid additional fees.
 - paid additional fees under protest and, where applicable, the protest fee.
 - paid additional fees under protest but the applicable protest fee was not paid.
 - neither restricted the claims nor paid additional fees.

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

3. Consequently, this opinion has been established in respect of the following parts of the international application:

- all parts.
- the parts relating to claims Nos. _____

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International application No.

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step and 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:

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International application No.

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No. _____	Publication date <i>(day/month/year)</i> _____	Filing date <i>(day/month/year)</i> _____	Priority date (valid claim) <i>(day/month/year)</i> _____
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2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure _____	Date of non-written disclosure <i>(day/month/year)</i> _____	Date of written disclosure referring to non-written disclosure <i>(day/month/year)</i> _____
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Box No. VII Certain defects in the international application

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

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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:

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International application No.

Supplemental Box Relating to Sequence Listing

Continuation of Box No. I, item 2:

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion was established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search and/or examination:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
 - d. furnished to this Authority as an amendment under PCT Article 34 on _____ :
 - in the form of an Annex C/ST.25 text file, and preferably identified as “Amended” at the first line of text.
 - on paper or in the form of an image file.
2. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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International application No.

Supplemental Box

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