



C.PCT 916  
- 21.1

April 25, 2003

Madam,  
Sir,

*Certain modified and new Forms relating to International Searching Authorities  
and International Preliminary Examining Authorities*

This circular is addressed to your Office in its capacity as International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated and/or elected Office under the Patent Cooperation Treaty (PCT) for the purpose of consultation under Rule 89.2(b). It is also addressed to certain non-governmental organizations. This circular concerns certain aspects of the implementation of the new Enhanced International Search and Preliminary Examination (EISPE) System, as adopted by the PCT Assembly at its thirty-first (18<sup>th</sup> extraordinary) session held from September 23 to October 1, 2002 (see document PCT/A/31/10), which will enter into force on January 1, 2004.

Implementation of the EISPE System requires a number of modifications to the existing written opinion and international preliminary examination report under Chapter II of the PCT and creation of a new written opinion under Chapter I of the PCT. The proposals take into account proposals made by the European Patent Office during the seventh session of the Meeting of International Authorities under the PCT (PCT/MIA) held from February 10 to 14, 2003 (see documents PCT/MIA/7/4 and PCT/MIA/7/4 Add.1).

In addition, modifications to the existing international search report are proposed, even though they are not required by the implementation of the EISPE System.

/...

- ./.
- ./.
- Detailed explanations of the proposed modifications are set out in Annex I to this Circular. The proposed modified and new Forms are set out in Annex II to this Circular (the modifications are identified by vertical lines in the right margin of the sheets concerned).

Proposals concerning other ISA and IPEA Forms will be made in the near future by way of another circular.

*Comments on the proposed modifications to the Forms*

Noting that the modified and new Forms should be promulgated with effect from the date of entry into force of the new EISPE system, that is, with effect from January 1, 2004, and that a further consultation may be required after consideration of the comments received in response to this Circular, you are invited to provide comments, if any, to the International Bureau by May 30, 2003, preferably by fax to (+41-22) 910 00 30 or by email to [pct.legal@wipo.int](mailto:pct.legal@wipo.int).

Yours sincerely,



Francis Gurry  
Assistant Director General

Enclosures: Annex I—Detailed explanations of the proposed modifications to certain ISA and IPEA Forms

Annex II—Proposed modified Form PCT/ISA/210, proposed new Form PCT/ISA/237, proposed modified Forms PCT/IPEA/408 and PCT/IPEA/409

*General comment*

The International Bureau proposes a number of minor editorial and layout changes with a view to, as the case may be, harmonize, simplify, make more readable and adapt for the future electronic environment for filling in, generating and transmitting forms. One such example is to replace all references to “Box I” or “I” by consistent references to “Box No. I”, etc. Such changes are not explained in detail below but they are all identified by a vertical line in the right margin of the sheets concerned.

*Comments on each Form*

(a) *PCT/ISA/210 (“International Search Report”)* [the second and subsequent sheets are not included since these are not proposed to be changed]

(i) This Form does not need to be changed to reflect the new system. However, this opportunity has been taken to reflect the recent modifications of Part 8 of the Administrative Instructions under the PCT (Instructions relating to international application containing large nucleotide and/or amino acid sequence listings and/or tables relating thereto), in the indication of the basis of the report where the international application includes sequence listings and/or tables relating thereto. Thus, a new (optional) Box No. I is included and Boxes I to III renumbered Box No. II to Box No. IV accordingly. For background information concerning Part 8 of the Administrative Instructions, please refer back to circulars C.PCT 762 and 863 dated December 21, 2000, and September 2, 2002, respectively.

(ii) Further, erroneous references to “item 1” and “item 2” were changed to references to “item 2” and “item 3,” respectively (in English only) in former Box I and Box II (now Box No. II and Box No. III).

(iii) Finally, a few changes in the layout of certain items have been introduced with a view to making the items concerned more readable and to catering for filling in and transmitting such form in the future electronic environment (see, in particular, item 6 on the first sheet).

(b) *PCT/ISA/237 (“Written Opinion of the International Searching Authority”)(new Form)*

(i) A new Form is proposed, based on existing Forms PCT/IPEA/408 and 409, for the written opinion of the International Searching Authority under new Rule 43*bis*.1. The cover page includes a notification to the applicant under new Rule 43*bis*.1(c) that if a demand is made, this opinion will usually be treated as a written opinion of the IPEA and, if so, when any reply will be due.

(ii) The “basis of the report” in Box No. I and the Supplemental Box are modified compared to those in existing Forms PCT/IPEA/408 and 409 to take into account the same factors in relation to international applications including sequence listings, as explained in relation to Form PCT/ISA/210, in paragraph (a)(i) above.

(iii) The options in Box No. II differ from the equivalent part of Forms PCT/IPEA/408 and 409. This allows for the fact that the International Searching Authority may not be able to form an opinion on the validity of the claimed priority since the priority document had not been supplied, but the period under Rule 17.1 for the applicant to do so had not yet expired. Two alternative versions, A and B, are included pending a conclusion by the Meeting of International Authorities on whether the written opinion of the ISA should in this case be established as if the priority were valid or as if it were not valid (see document PCT/MIA/7/5, paragraph 48(f)(ii), for a report of the discussion of this issue during the seventh session of the Meeting). The equivalent Boxes No. II in PCT/IPEA/408 and 409 remain unchanged since opinions and reports of the IPEA are established after the period allowed under Rule 17.1 for submitting the priority document has expired and consequently the provision of Rule 66.7 applies, whereby if the applicant has failed to provide the document, the report may be established as if the priority had not been claimed.

(iv) If an opinion with regard to novelty, inventive step and industrial applicability is not established with regard to some or all of the claims, it will usually be both because no international search report has been established and also because it would not be required under Rules 43*bis*.1(b) and 67 for the same reasons as those which relate to the international search. Nevertheless, it appears necessary to leave Box No. III with all the options from the equivalent part of the written opinion of the IPEA, to allow for any unusual cases.

(v) The options in Box No. IV (lack of unity of invention) are more restricted than those in the equivalent box of the written opinion of the IPEA to reflect the smaller number of possible actions which the applicant may have taken by the time the written opinion of the ISA is established.

(c) *PCT/IPEA/408 (“Written Opinion of the International Preliminary Examining Authority”)*

(i) The title of the Form is modified to be “Written Opinion of the International Preliminary Examining Authority.”

(ii) Paragraphs 1 and 2 of the cover sheet are modified to reflect the fact that a written opinion of the ISA will have been established and will usually be treated as a written opinion of the IPEA.

(iii) The “basis of the report” in Box No. I and the Supplemental Box are modified to take into account the same factors in relation to international applications including sequence listings, as explained in relation to Form PCT/ISA/210, in paragraph (a)(i) above.

(iv) The reference in paragraph 3 of the cover sheet to Rule 66.2(d) is modified to read “Rule 66.2(e)” in line with the amended Rules.

*(d) PCT/IPEA/409 (“IPER”)*

(i) The title of the report is modified according to new Rule 70.15, to be “International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)”. Paragraph 1 is also amended accordingly.

(ii) The “basis of the report” in Box No I and the Supplemental Box are modified to take into account the same factors in relation to international applications including sequence listings, as explained in relation to Form PCT/ISA/210, in paragraph (a)(i) above.

[Annex II follows]

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No.	International filing date ( <i>day/month/year</i> )	(Earliest) Priority Date ( <i>day/month/year</i> )	
Applicant			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of \_\_\_\_\_ sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  **Certain claims were found unsearchable** (see Box No. II)

3.  **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

**Box No. I NUCLEOTIDE AND/OR AMINO ACID SEQUENCE (Continuation of item 1.b of the first sheet)**

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this international search was carried out on the basis of:

a. sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

b. table(s) related to sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

c. where the sequence listing and/or table related thereto was filed in more than one form or where more than one copy of a sequence listing and/or table related thereto has been filed, 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. In respect of these required statements:

- all statements were included.
- some statements were not included (*specify*):

INTERNATIONAL SEARCH REPORT

International application No.

**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.



**INTERNATIONAL SEARCH REPORT**

International application No.

**Box No. IV**    **TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)**

## PATENT COOPERATION TREATY

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		<b>FOR FURTHER ACTION</b> 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, except in certain cases where this Authority does not also act as International Preliminary Examining Authority, be considered to be a written opinion of the International Preliminary Examining Authority. In this case, the applicant is invited to submit to the International Preliminary Examining Authority 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.	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 **elements** of the international application, this opinion is established in respect of the description, claims and any drawings and sequence listings as originally filed (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.”)
  
2.  This opinion has been established on the basis of a translation into the following language \_\_\_\_\_  
furnished for the purposes of international search (under Rule 23.1(b)).
  
3.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application (see Supplemental Box).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. II Priority

*Alternative A: where priority is assumed not to be valid*

1.  This opinion has been established as if no priority had been claimed because the following document has not yet been furnished:
  - copy of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(a)).
  - translation of the earlier application whose priority has been claimed (Rules 43bis.1 and 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 (Rules 43bis.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:

*Alternative B: where priority is assumed to be valid*

1.  The following document has not yet been furnished:
  - copy of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(a)).
  - translation of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(b)).Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date 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 43bis.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**

1. 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.

no international search report has been established for said claims Nos. \_\_\_\_\_

2. A written opinion cannot be established due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished

does not comply with the standard.

the computer readable form has not been furnished

does not comply with the standard.

3. A written opinion cannot be established due to the failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions:

the written form has not been furnished

does not comply with the technical requirements.

the computer readable form has not been furnished

does not comply with the technical requirements.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

**Box No. IV Lack of unity of invention**

1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

paid additional fees

paid additional fees under protest

not paid additional fees

2. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

complied with

not complied with for the following reasons:

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. \_\_\_\_\_

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 (Rules 43*bis*.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)
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2. Non-written disclosures (Rules 43*bis*.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)
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**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:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Supplemental Box

Continuation of Box No. I, item 3:

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion was established on the basis of:

a. sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

b. table(s) related to sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

c. where the sequence listing and/or table related thereto was filed in more than one form or where more than one copy of a sequence listing and/or table related thereto has been filed, 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. In respect of these required statements:

- all statements were included.
- some statements were not included (*specify*):

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

Continuation of:

## 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		<b>REPLY DUE</b> within _____ months/days from the above date of mailing	
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.  The written opinion established by the International Searching Authority:  
 is  is not  
considered to be a written opinion of the International Preliminary Examining Authority.

2. This \_\_\_\_\_ (first, etc.) 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 66.2(a)(ii) 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

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

**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).

**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 report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: \_\_\_\_\_

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

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No. \_\_\_\_\_

**Box No. I**      **Basis of the opinion**

1. With regard to the **elements** of the international application:\*

- 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 (together with any statement) under Article 19  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_
- the drawings:  
pages \_\_\_\_\_ as originally filed  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_
- the sequence listing part of the description:  
pages \_\_\_\_\_ as originally filed  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Supplemental Box.

4.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, Nos. \_\_\_\_\_
- the drawings, sheets/fig \_\_\_\_\_

5.  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 (Rule 70.2(c)).

\* 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."

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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:

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

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

1. 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.

no international search report has been established for said claims Nos. \_\_\_\_\_

2. A written opinion cannot be established due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished

does not comply with the standard.

the computer readable form has not been furnished

does not comply with the standard.

3. A written opinion cannot be established due to the failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions:

the written form has not been furnished

does not comply with the technical requirements.

the computer readable form has not been furnished

does not comply with the technical requirements.

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

**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:

- 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 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. \_\_\_\_\_



WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	_____
	Claims	_____
Inventive step (IS)	Claims	_____
	Claims	_____
Industrial applicability (IA)	Claims	_____
	Claims	_____

2. Citations and explanations:

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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)
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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)
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**WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING 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 PRELIMINARY EXAMINING 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:

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

**Supplemental Box**

**Continuation of Box No. I, item 3:**

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion was established on the basis of:

a. sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

b. table(s) related to sequence listing(s):

- contained in the international application.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.

c. where more than one version or copy of a sequence listing and/or table related thereto has been filed, 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. In respect of these required statements:

- all statements were included.
- some statements were not included (*specify*):

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

Continuation of:

**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	<b>FOR FURTHER ACTION</b>	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		

<p>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.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I      Basis of the report</p> <p><input type="checkbox"/> Box No. II      Priority</p> <p><input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV      Lack of unity of invention</p> <p><input type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI      Certain documents cited</p> <p><input type="checkbox"/> Box No. VII      Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII      Certain observations on the international application</p>

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 REPORT ON PATENTABILITY

Box No. I Basis of the report

1. With regard to the **elements** of the international application:\*

- 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 (together with any statement) under Article 19  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_
- the drawings:  
pages \_\_\_\_\_ as originally filed  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_
- the sequence listing part of the description:  
pages \_\_\_\_\_ as originally filed  
pages \_\_\_\_\_ filed with the demand  
pages \_\_\_\_\_ filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Supplemental Box.

4.  The amendments have resulted in the cancellation of:  
 the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig \_\_\_\_\_

5.  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 (Rule 70.2(c)).\*\*

\* 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 since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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 application No. \_\_\_\_\_

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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

1. 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.

no international search report has been established for said claims Nos. \_\_\_\_\_

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished

does not comply with the standard.

the computer readable form has not been furnished

does not comply with the standard.

3. A meaningful international preliminary examination cannot be carried out due to the failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions:

the written form has not been furnished

does not comply with the technical requirements.

the computer readable form has not been furnished

does not comply with the technical requirements.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

**Box No. IV Lack of unity of invention**

1. In response to the invitation 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.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- complied with.
- not complied with for the following reasons:

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

- all parts.
- the parts relating to claims Nos. \_\_\_\_\_

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 ( <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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**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:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

**Supplemental Box**

**Continuation of Box No. I, item 3:**

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this report was established on the basis of:

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- some statements were not included (*specify*):

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

Continuation of: