

# WIPO



**PCT/MIA/9/3**  
**ORIGINAL:** English only  
**DATE:** July 16, 2003

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

**MEETING OF INTERNATIONAL AUTHORITIES**  
**UNDER THE PCT**

**Ninth Session**  
**Geneva, July 21 to 25, 2003**

CONTENT OF CERTAIN FORMS:  
REPORTS AND WRITTEN OPINIONS  
UNDER CHAPTERS I AND II OF THE PCT

*Document prepared by the International Bureau*

## BACKGROUND

1. At its thirty-first (18th extraordinary) session held from September 23 to October 1, 2002 (see document PCT/A/31/10), the PCT Assembly adopted a new enhanced international search and preliminary examination system, with effect from January 1, 2004. This system will require modified and new Forms to be used for reports and written opinions, under Chapters I and II of the PCT, established on international applications filed from that date.
2. Draft modified and new Forms were presented to the eighth session of the Meeting (see document PCT/MIA/8/4) and were also the subject of consultation under Rule 89.2(b) between the International Bureau and Offices in their capacity as International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated and/or elected Office under the Patent Cooperation Treaty (PCT) (see Circular C.PCT 916, dated April 25, 2003).
3. As a result of the responses to the consultation, the International Bureau has prepared further drafts of these modified and new Forms, which are presented in the Annexes to this document as follows:

Annex I: International Search Report;

Annex II: Written Opinion of the International Searching Authority;

Annex III: Written Opinion of the International Preliminary Examining Authority;

Annex IV: International Preliminary Report on Patentability (Chapter II).

4. The main changes and certain questions arising from the consultation are outlined below. All proposed modifications are marked by single lines in the right margins of the Forms.

## MAIN FURTHER MODIFICATIONS TO THE FORMS

### Issues Common to Several Forms

#### *Basis of Report and Sequence Listings*

5. The responses to the circular highlighted a number of perceived deficiencies, which were not related to the entry into force of the amendments to the Regulations, in the way in which the basis of the report is set out, especially with respect to sequence listings. It was noted that the existing Forms do not cover all possible eventualities where material may be submitted either on paper, in computer-readable form or both at different times. The present proposals reflect this point only in the matter of sequence listings. A more general review may be required before the introduction of electronic filing of amendments to the international application, including the matter of references to "pages."

6. The Boxes covering non-establishment of a report or opinion (Box No. III of Forms PCT/ISA/237 and PCT/IPEA/408 and 409) have been amended to take into account the fact that a deficiency relating to a sequence listing or a related table is not in effect any different from the other reasons that the question of novelty, inventive step or industrial applicability might not have been examined.

### Written Opinion of ISA (Proposed New Form PCT/ISA/237)

#### *Explanation of Possible Further Action (Cover sheet, item 2)*

7. The paragraph indicating the status of the written opinion and the actions which the applicant may wish to take in the event that a demand is filed has been clarified. The Meeting is invited to indicate whether this is considered to provide a clear statement of the most important considerations (noting that detailed options, such as informal comments, will be covered in the notes to Form PCT/ISA/220).

#### *Assumption of Validity of Priority (Box No. II)*

8. At its eighth session, the Meeting concluded (see document PCT/MIA/8/6, paragraph 74) that, where a cited document was published after the claimed priority date of the international application, but before the international filing date, but that the priority application, or any necessary translation, had not been furnished to the International Bureau before the written opinion of the International Searching Authority was established, that opinion should assume that the priority of the international application was validly claimed

(since there would still be time for the applicant to provide the documents under Rule 17, and in the majority of cases the assumption would be correct). Consequently *Alternative B* of the two possibilities presented in the consultation draft of Form PCT/ISA/237 has been used.

*Unity of Invention (Box No. IV)*

9. One response to circular C.PCT 916 suggested that Box No. IV was not required because the information was already set out in Box No. III of the international search report and also because Rule 43*bis*.1(b) contained no reference to Rules 68 and 70.13. On the other hand, it is noted that the written opinion of the International Searching Authority is a self-contained document, which is required to provide an opinion as to “whether the international application complies with the requirements of the Treaty and these Regulations in so far as checked by the International Searching Authority” (see Rule 43*bis*.1(a)(ii)). While the questions of restriction or further fee payment, dealt with in Rules 68 and 70.13 are very specific to the Chapter II procedure, the question of unity is certainly one which is checked by the International Searching Authority. Furthermore, to omit any indication relating to lack of unity of invention might be misleading, firstly since it might give a false impression that the International Searching Authority considered that the requirement of unity of invention had been met and secondly because it might imply that the opinion covered the whole of the application when in fact this was not possible because the search had been limited to the inventions for which the search fees had in fact been paid.

10. While the International Bureau at present proposes to maintain this Box, the Meeting is invited to consider whether any further issues are involved.

*Certain documents cited (Box No. VI)*

11. Similarly, one response suggested that Box No. VI was not required because the details of documents published after the claimed priority date and of non-written disclosures were contained in the international search report. It is once again noted that the written opinion is intended to be self-contained and have content equivalent to the international preliminary examination report. To omit this information would reduce the value of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty) to the designated Offices to which it is transmitted. Furthermore, in this instance, Rules 70.9 and 70.10 are amongst those specifically referred to in Rule 43*bis*.1(b).

12. While the International Bureau at present proposes to maintain this Box, the Meeting is invited to consider whether any further issues are involved.

International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty) (Form PCT/IPEA/409)

*Replacement Sheets Superseded by Added Matter*

13. In anticipation of the proposed amendment to Rule 70.16(b), which is intended to be submitted to the Assembly in September 2003 (see document PCT/R/WG/4/14, paragraphs 16 to 18), a further proposed modification has been included in Box No. I, adding a space to indicate whether the sheets annexed to the report include replacement sheets which had been superseded by sheets that were considered to contain added subject matter. This modification will only be included if the Assembly adopts the amendment to the Regulations with effect from January 1, 2004.

*14. The Meeting is invited to express its views on the draft modified and new Forms in Annexes I to IV and on the particular questions raised in paragraphs 7, 10 and 12, above.*

[Annex I follows]

## ANNEX I

## 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.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, 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)

1. With regard to any nucleotide and/or amino acid sequence(s) disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in the international application as filed

filed together with the international application in computer readable form

furnished subsequently to this Authority for the purposes of search

d.

the required furnished statements, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, 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.

2. Additional comments:

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)**



ANNEX II

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.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 43*bis*.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 usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, 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 66.1*bis*(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/	Authorized officer
Facsimile No.	Telephone No.

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, unless otherwise indicated under this item.

This opinion has been established on the basis of translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence(s)** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in the international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

d.  the required furnished statements, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, 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.

3. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. II Priority

1.  The following document has not yet been furnished:

copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).

translation of the earlier application whose priority has been claimed (Rules 43*bis*.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 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 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. \_\_\_\_\_

- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the  
Administrative Instructions in that:

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

- the tables related to the nucleotide and/or amino acid sequence listing do not comply with the technical requirements provided  
for in Annex C-bis of the Administrative Instructions in that the computer readable form:

has not been furnished  
 does not comply with the technical requirements

- See Supplemental Box for further details.

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 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)
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2. Non-written disclosures (Rules 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)
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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**

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

ANNEX III

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 <i>(day/month/year)</i>	
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 <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
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 the examiner's obligation to consider amendments and/or arguments, see Rule 66.4*bis*. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

**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 **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
  
2. With regard to the elements of the international application, this opinion has been established on the basis of: \*
  - 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:
    - pages \_\_\_\_\_ as originally filed/furnished
    - pages \_\_\_\_\_ as amended (together with any statement) under Article 19
    - pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
    - pages \_\_\_\_\_ 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 part of the description and any related table(s) - see Supplemental Box Relating to Sequence Listings.
  
3.  The amendments have resulted in the cancellation of:
  - the description, pages \_\_\_\_\_
  - the claims, Nos. \_\_\_\_\_
  - the drawings, sheets/fig \_\_\_\_\_
  
4.  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**

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. \_\_\_\_\_

- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the  
Administrative Instructions in that:

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

- the tables related to the nucleotide and/or amino acid sequence listing do not comply with the technical requirements provided  
for in Annex C-bis of the Administrative Instructions in that the computer readable form:

has not been furnished  
 does not comply with the technical requirements

- See Supplemental Box for further details.

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 Relating to Sequence Listings**

**Continuation of Box No. I, item 2:**

1. With regard to any nucleotide and/or amino acid sequence(s) disclosed in the international application and necessary to the claimed invention, this opinion was established on the basis of:

a. type of material

- a sequence listing  
 table(s) related to the sequence listing

b. format of material

- in written format  
 in computer readable form

c. time of filing/furnishing

- contained in the international application as filed  
 filed together with the international application in computer readable form  
 received by this Authority as an amendment on \_\_\_\_\_  
 furnished subsequently to this Authority for the purposes of search and/or examination

d.  the required furnished statements, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, 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.

2. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

International application No.

**Supplemental Box**

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

## ANNEX IV

## 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, including sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p><input type="checkbox"/> The annexes also include superseded replacement sheet(s) which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in the Supplemental Box. These annexes consist of a total of _____ sheets.</p> <p><input type="checkbox"/> The annexes also include elements from a sequence listing part of the description and/or tables related to the sequence listing, provided in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listings.</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>
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/  Facsimile No.	Authorized officer  Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This opinion is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- international search (under Rules 12.3 and 23.1(b))
  - publication of the international application (under Rule 12.4)
  - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on:\*

- 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:  
pages \_\_\_\_\_ as originally filed/furnished  
pages \_\_\_\_\_ as amended (together with any statement) under Article 19  
pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages \_\_\_\_\_ 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 part of the description and any related tables - see Supplemental Box Relating to Sequence Listings.

3.  The amendments have resulted in the cancellation of:

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

4.  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.

\*\* Any replacement sheets containing such amendments are nevertheless 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 PRELIMINARY REPORT ON PATENTABILITY

**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.

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

- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

- 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

- the tables related to the nucleotide and/or amino acid sequence listing do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions in that the computer readable form:

- has not been furnished
- does not comply with the technical requirements

- See Supplemental Box for further details.

**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

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**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 Relating to Sequence Listings**

**Continuation of Cover Sheet:**

- The annexes include the following media, containing amended sequence listing parts of the description and/or tables related to sequence listings provided in computer readable form only:

**Continuation of Box No. I, item 2:**

1. With regard to any nucleotide and/or amino acid sequence(s) disclosed in the international application and necessary to the claimed invention, this report was established on the basis of:

a. type of material

- a sequence listing  
 table(s) related to the sequence listing

b. format of material

- in written format  
 in computer readable form

c. time of filing/furnishing

- contained in the international application as filed  
 filed together with the international application in computer readable form  
 received by this Authority as an amendment on \_\_\_\_\_  
 furnished subsequently to this Authority for the purposes of search and/or examination.

d.  the required furnished statements, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, 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.

2. Additional comments:

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**Supplemental Box**

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