

79/217
+ 165

WIPO



PCT/TCO/III/5

ORIGINAL: English

DATE: August 15, 1973

WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY
GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Third Session : Tokyo, October 23 to 27, 1973

ISOLATED SEARCHES

REPORTS OF THE GERMAN PATENT OFFICE AND THE INTERNATIONAL PATENT INSTITUTE

1. As the isolated searches conducted by several industrial property offices are considered to be close approximations to the expected PCT searches, two Offices which conduct such isolated searches, the German Patent Office and the International Patent Institute (IIB) each offered to submit reports on their respective experiences in performing such isolated searches.

2. A revised report of the International Patent Institute on isolated searches (an earlier IIB report appeared in document PCT/TCO/SS/III/15) is annexed to this document (see Annex I). The report of the German Patent Office, which was previously included in a document of the Standing Subcommittee of the PCT Interim Committee for Technical Cooperation (document PCT/TCO/SS/III/12), is attached as Annex II.

3. The PCT Interim Committee for Technical Cooperation is invited to consider the reports on isolated searches.

Annexes I and II follow



INSTITUT INTERNATIONAL DES BREVETS

BOITE POSTALE 5021 - LA HAYE (PAYS-BAS)

TÉLÉPHONE:

906789

ADRESSE TÉLÉGRAPHIQUE:

BREVPATENT

TÉLEX No. 31651

ADRESSE:

PATENTLAAN 2. RIJSWIJK (Z.H.)
(PAYS-BAS)

World Intellectual Property Organization

32, Chemin des Colombettes

1211 GENEVE 20

Suisse

Ref.: VW/mjs

RIJSWIJK (Z.H.), le 27 February 1973.

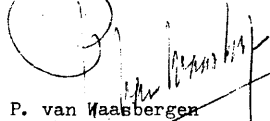
Dear Sirs,

Please find enclosed the revised report on isolated searches, which reflects the situation on February 1, 1973.

Mean while some changes are still envisaged on those points of the search procedure and the presentation of the report where differences exist for the three countries involved.

This may give rise to an additional report.

Yours sincerely,



P. van Waasbergen

INSTITUT INTERNATIONAL DES BREVETS

ISOLATED SEARCHES

INTRODUCTION

1. The report of the first session of the Standing Subcommittee of the PCT Interim Committee for Technical Cooperation says in paragraphs 56 and 57 of document PCT/TCO/SS/I/17 the following:

" 56. The Standing Subcommittee noted with appreciation the offer of the German Patent Office to make a report on its experience in performing "isolated searches", similar to the expected PCT searches, and invited the International Bureau to circulate that report to the prospective PCT Authorities.

57. The I.I.B. also agreed to make a report on its experience with "isolated searches", it being understood that the I.I.B. report would also cover such searches made for the Netherlands Patent Office and would be established after the report of the German Patent Office was available."

A document on the I.I.B. experiences with "isolated searches" dated July 21, 1972 was distributed as an annex to WIPO document PCT/TCO/SS/III/15.

The present document replaces the above mentioned one and takes especially into account the changes in I.I.B. procedures which have been introduced recently.

2. DEFINITION

In this report an isolated search is defined as a search:

- a. ordered by a Patent Office;
- b. referring to a filed patent application;
- c. intended to find documents of importance for judging novelty and inventive activity;
- d. leading to a report which does not express an opinion.

Under this definition fall the searches carried out by the I.I.B. on behalf of the French and Netherlands Patent Offices and recently on behalf of the Swiss Patent Office (the searches made for the Swiss Patent Office earlier were not in accordance with point d).

The present report refers to these three categories of searches.

- 3. The present report does not refer to PCT searches as defined in the Patent Cooperation Treaty and the regulations under this Treaty, as the I.I.B. has up till now no experience with such searches.

The main difference seems to be that no search is carried out in Russian and Japanese literature.

It is believed, however, that the character of the I.I.B. searches as carried out on behalf of the French, Netherlands and Swiss Patent Offices corresponds in a high degree with that of PCT searches.

4. SEARCH PRINCIPLES AS DEFINED RECENTLY

- a. The searches have to reveal those documents which might affect the novelty or the inventive step of the invention disclosed in the application. If no pertinent antiriorities have been revealed, documents revealed illustrating the technical back ground must be mentioned in the report for Netherlands and Swiss applications and in the annex to the report for French applications. No Special Search is, however, made herefor. A "blank" report is in principle acceptable.

Supplementary conditions for patentability such as industrial character (France), effect in the field of industry (Netherlands) and industrial application (Switzerland) are not the object of a Special Search by the I.I.B.

- b. Date of reference for the search is the national filing date.

Documents published between priority date and filing date are mentioned.

- c. The search is founded on the claims seen in the light of the description and the drawings, if any.

The search is not restricted to the strict wording of the claims if evidently they do not cover clearly or completely the inventive idea as it appears in the description.

- d. The search may be stopped when one or more very pertinent documents have been retrieved (documents dated between a priority date and the national filing date excepted)

- e. Search with respect to sub-claims relating to the same invention as the claim from which they depend

A subclaim is a claim which depends implicitly or explicitly from another claim of the same category.

In the Swiss practice there are "claims" I, II, etc. and sub-claims 1, 2, 3.

In the French and Netherlands practices the claims are continuously numbered.

The IIB considers claim 1 as the main claim.

i) General rule

The search carried out in the subdivisions of the classification system * to be consulted for the subject matter of the main claim ("principal subdivisions") must comprise the subclaims depending from that claim.

In this case the subject matter of these subclaims as such is not searched outside the search mentioned under A

ii) Extension to secondary subdivisions

- When after the search in the principal subdivisions there is no doubt concerning the patentability of the subject matter of the main claim; no search is made relating to the subject matter of the subclaims depending from it.
- When the main claim and the subclaims which fall with it are not patentable or when there is doubt, the subject matter

* The expression "subdivision of the classification system" in this report also comprises other means of access to the systematic documentation, e.g. Chemical Abstracts and Mechanical Systems.

of the first remaining subclaim is to be searched in the secondary subdivisions and so on.

f. Claims of which the characteristic part comprises a combination of several subjects (A + B + C ...) forming unity of invention:

At the same time as the subdivisions necessary for the whole combination are searched, simultaneously the subcombinations and the separate elements A, B, C etc. are also to be searched.

The claims to which this point refers have a preamble (which is considered known from the state of the art) distinctly separated from the characterizing part of the claim which consists in a real combination and not in a simple addition of elements.

g. Products having to do with a chemical process:

Final products: must be searched if not mentioned as known by the applicant.

Intermediate products: the principle indicated under f is to be applied.

Starting product: considered known; no search.

In the case of chemical processes for obtaining a structurally well defined compound, the I.I.B. is obliged to take the final product as a starting point as the documentation system is arranged according to these products.

An exception is made for generally applied processes, for which entries exist.

If the search directed to the final product or intermediary products reveals a document mentioning the starting product, this document is to be cited in the search report for the Swiss and Netherlands Offices.

h. Non patentable subject matter

I.I.B. has to take a position only in cases when the search is affected.

i. Oral divulgations

If confirmed by a document published too late, must be taken in consideration and be cited distinctly in the report.

j. Technical obscurity

in the claims, even in the light of the description, making a significant search impossible: preliminary letter

This letter may possibly cite documents.

For Switzerland this letter may take the form of an intermediary report.

k. Supplementary search

in the subdivisions of the classification system relating to analogous fields to be limited according to the following criteria:

- i) Search by "abstraction" (subdivisions of higher order), in so far as justified from the technical point of view.
- ii) Search in parallel subdivisions, less deeply as relationship diminishes.

1. Documents which are published too late (other than those referred to under i) may exceptionally be cited if they are of interest for the examination. These documents may for instance prove that the claimed priority is not justified or enable a better understanding of obscure points in the application.

- For France: to be cited in the annex

- For Netherlands and Swiss applications, these documents are cited in the report.

No special search for such documents, except in cases when the examiner has clear indications that such a search will reveal documents.

m. Interference

Up till now no uniform procedure for the three countries.

i) Applications published at the date of the search:
France: Not to be mentioned in the report.

Possibly in the annex.

Netherlands: To be mentioned in the report with identification

Switzerland: To be mentioned in the report.

ii) Applications not yet published at the date of the search:

France: Not to be mentioned

Netherlands: The existence of the interference to be mentioned in the report without identification. Identification.

cation by special communication to the Office

Switzerland: If the application has been sent to the IIE, it has to be mentioned in an accompanying letter to the Swiss Office.

In any case, for the French and Swiss applications no special search; for the Netherlands a certain extension of the search.

n. Non unity of invention

The I.I.B. does not mention the non unity if the search is not influenced by it.

If the search is influenced by it the situation is different for the three countries:

France

An "Avis completé" is sent out before the search is started. I.I.B. waits for instructions from the INPI which may be:

Netherlands

In case of internal non-unity of the main claim, as a rule letter from IIB before any search

Switzerland

After having carried out at least a partial search and having drawn a report referring thereto, the IIB takes position concerning the non-unity of the claimed subjects, this all in an intermediary report.

either division of the application on the basis of French legal criteria and request for the establishment of a search report by the I.I.B. for each divided application (as many full fees as applications) or complete search of the original application with payment of a supplementary fee.	The applicant then choosing the subject to be searched. In other cases: search of the 1st subject with indication in the report of the other subjects which have not or have only partially been searched. One or more supplementary searches are possible in the framework of the original application after a new request with payment of supplementary fee.	The I.I.B. awaits instructions from the Swiss Office which may be: either extra search for one of the subjects in the mother application without supplementary fees, or request for a supplementary search for other subjects with payment of a fee.
--	--	--

5. SEARCH REPORTS

- a. The report is a documentary report, it is objective and does not express an opinion concerning the novelty or the inventive step of the subject matter in the application searched.
- b. The report contains a short analysis of the cited documents.
- c. It is allowed to treat the documents in groups.
- d. The relevant parts of the documents are indicated.
- e. The report does not mention the fields of art which have been searched. If asked, however, this information is given to a national office.

- f. The report indicates the date of the search.
- g. The report is sent out on a form with the heading of the respective National Office, so that, if the National Office wishes to do so, the report may be sent directly to the applicant.
- h. The report is written in the language of the claims. (Which must be in English, French, German or Dutch)
- i. If a patent is cited, the name of the patentee or applicant (as mentioned in the patent) is indicated.
- j. The claims for which a document is considered relevant are indicated.
- k. The number of pages of a cited document is not indicated.
- l. The particularly relevant documents are not specially indicated.
- m. Documents of which the publication date lies between the filing date and the claimed priority date of the searched application are mentioned separately.
- n. The lay-out of the essential part of the report, i.e. the part in which the result of the search is recorded, is uniform for the three countries (see pages 9 to 12 of this document).
- o. The name of the country of origin of a document is indicated by means of the ICIREPAT Code.
- p. The I.I.B. furnishes with each report automatically copies of the cited documents.

	<u>France</u>	<u>Netherlands</u>	<u>Switzerland</u>
q. Names of authors of report mentioned	no	yes	yes
r. The report indicates the non searched subject matter	no	yes	yes
s. The report may have an annex for the applicant which consists of a numerical list of documents revealed during the normal search and which may be of a certain interest for the applicant	yes	no	no

6. THE HAGUE TREATY OF 1961

It seems useful to draw attention to the protocol of the revised Hague Treaty which states in paragraph 1:

"Pour la recherche visée à l'article 3 de l'Accord les documents mentionnés dans l'annexe au présent Protocole constituent le minimum de la documentation à consulter. Sont pris en considération les documents contenus dans les subdivisions de la classification en usage à l'Institut auxquelles appartient par sa nature l'invention soumise à l'examen et les documents contenus dans les subdivisions apparentées".

It is clear that the above mentioned search principles for the French, Netherlands and Swiss applications are in accordance with this paragraph.

However, this stipulation based on the desire to have the I.I.B. furnish the best searches possible, leads to searches which may comprise many subdivisions of the classification. As in this field the law of diminishing returns is very important (about 80% of the important literature is discovered in 50% of the time of the search), this question is at present being re-considered. As adhering States have the right to ask for a more limited search, it is probable that limitations will be adopted.

7. RESULTS OF THE SEARCHES

As the standardized principles for the searches and the establishment of the reports have only been adopted recently, it is not yet possible to give figures relating to searches carried out following this procedure.

It may be interesting, however, to mention some results of the earlier procedure in which the search principles and the report were not yet standardized.

In the following table the figures given are the average number of cited documents par application. The columns C, EP and M refer to the divisions Chemistry, Electricity-Physics and Mechanical Engineering etc., resp.; F means search on a French application and NL means search on a Netherlands application; NPL means non patent literature.

	<u>C</u>	<u>EP</u>	<u>M</u>	<u>All Fields</u>
- Number of subdivisions consulted	4,4	5,6	6,5	5,5
- Number of documents cited F	2,25	3,52	3,36	2,79
- Number of documents cited NL	3,38	3,75	3,95	3,60
- % NPL cited	6,5	15,4	1,3	7,8

This table does not give any figures concerning searches on Swiss applications, as until recently the searches on Swiss applications were not in accordance with the definition given in chapter 2.

The following remarks may be interesting:

- a. The differences between the figures concerning French and Netherlands applications are considerable. A number of reasons may be cited e.g.:
 1. The search principles and the reports were not yet entirely according to the same standard.
 2. The technical fields covered by the two categories of applications are not yet identical.
 3. A higher proportion of the Netherlands applications are based on a convention priority and therefore form more of a "selection".

- b. In the field of electricity and physics the number of cited documents is rather high and the proportion of NPL is very high.

- c. The numbers of documents mentioned in the table are the numbers of documents cited. The examiner in carrying out his search finds a number of documents which necessitate fuller study. Only some of these documents are cited in the report. This may depend on the field of art and the quality of the application.

- d. The number of subdivisions consulted may vary considerably. In some studies referring to other samples, figures 4,96 and 5,30 were found. It was confirmed by these studies that the number of documents found per subdivision was considerably higher for the main subdivisions, i.e. the subdivisions in which the application was classified itself, than for the other subdivisions consulted. The proportion as a rule was in the order of 2,5 : 1. Moreover, this proportion for the cited documents was as a rule of the order of 4 : 1. So the main subdivisions are far more profitable than the other subdivisions. It should not be forgotten, however, that the most important documents are sometimes found in the other subdivisions.

e. There is no official recommendation about the number of documents to be cited in a report.

The examiner is not obliged to cite all revealed documents.

8. PERSONNEL

Examiners belong to two categories. The first needs a completed course of study of technology or science at a university or equivalent, the second one a lower grade.

Promotion from the second category to the first one is possible.

The I.I.B. does not require that candidates have practical experience.

Immediately after taking up office, recruits follow an introductory course of some days. The real training up till now lies essentially in the hands of the group chiefs. Plans have been developed for a more concentrated training by courses.

As the I.I.B. is young compared with national Patent Offices and since a big expansion took place only a few years ago, the examiners of the I.I.B. are on the average very young. This point is very important as the productivity of examiners increases with experience.

9. DOCUMENTATION USED FOR THE SEARCHES

a. Systematically classified patents and patent applications of the following countries are in the search files:

Belgium	since 1926
France	" 1902
Germany (Fed. Rep. of)	" 1877
Great Britain	" 1909
Luxemburg	" 1946
Netherlands	" 1912
Switzerland	" 1940
United States	" 1920

Moreover collections of abstracts of some countries are used. For a number of technical fields, computer implemented systems are in use.

b. Non patent literature

More details are given about NPL literature in the reply to WIPO document PCT/TCO/SS/I/17.

c. Classification system

About one seventh of the documents of the search files are arranged according to the International Patent Classification, the other part according to the "Indeling der Techniek" (Classification System of the Netherlands Patent Office).

d. Developments of the documentation system

1. Reorganizations on the basis of the IPC
2. Diminution of the volume of the search files by use of the family system.

uw VVO van uw kenmerk ons kenmerk bijlagen

datum

onderwerp octrooiaanvraag nr.
t.n.v.

gem.

Ingevolge Uw verzoek werd inzake bovenvermelde octrooiaanvraag een vooronderzoek ingesteld als bedoeld in artikel 22I, eerste lid, van de Rijksoctrooiwet. De resultaten van dit vooronderzoek worden op de achterzijde van deze brief medegedeeld.

Met nadruk wordt erop gewezen, dat hiermede nog in geen enkel opzicht een uitspraak wordt gedaan over de octrooieerbaarheid van het onderzochte onderwerp van de aanvraag.

De beoordeling daarvan vindt pas plaats ter gelegenheid van de in artikelen 23 e.v. van de Rijksoctrooiwet geregelde procedure.

Het op de achterzijde vermelde heeft slechts ten doel de elementen te verstrekken voor een analyse van de octrooiaanvraag gelet op de bekende stand van de techniek en dient derhalve voor een voorlopige oriëntering omtrent de kansen op octrooiverlening.

De Octrooiraad op de achterzijde genoemde en
bijgevoegde literatuur:

De mededeling omtrent het vooronderzoek (art. 22I, lid 1 ROW.) inzake
O.A. is op verzonden.

Paraaf:
A & R.

M.A.

Code 63

Vooronderzoeker (IIB):

Vooronderzoekrapport inzake octrooiaanvraag nr.

AANGEHAALDE DOCUMENTEN		Conclusies van de onderzochte aanvraag waarvoor deze passages van belang zijn
Identificatie van de literatuur — Verwijzing naar speciaal van belang zijnde passages Korte analyse van van belang zijnde passages		

INSTITUT NATIONAL de la PROPRIÉTÉ INDUSTRIELLE

CCP. : 9060 - 17 - PARIS
Télex: n° 29 368 INPI PARIS

28bis, rue de Léningrad - 75 800 PARIS

Tél. : 292-00-14-387-56-00
522-52-90

DIVISION DES BREVETS

Bureau d'Examen Technique
Bureau des Brevets de Médicaments

DEMANDE DE :

N°

DEMANDEE LE

PARIS, le

DEPOSANT (s) :

TITRE DE L'INVENTION - Suivi, éventuellement des Nom et prénoms du ou des INVENTEURS.

- PREMIER PROJET D'AVIS DOCUMENTAIRE

M...

Conformément à l'Art. 20 de la loi N° 68-1 du 2 janvier 1968, j'ai l'honneur de vous adresser au verso le premier projet d'avis documentaire sur l'invention, objet de la demande citée en référence.

Selon l'Art. 38 du Décret N° 68-1100 du 5 décembre 1968, vous disposez d'un délai de deux mois à compter de la date de réception de la présente notification pour m'adresser, par écrit, vos observations et une nouvelle rédaction des revendications (ou l'une ou l'autre de ces facultés).

Ce délai peut être renouvelé une fois sur votre requête, accompagnée de la justification du paiement d'une taxe de 30 F. à la caisse ou au compte de l'Agent Comptable de l'I.N.P.I. (C.C.P. PARIS 9060-17).

Vos observations ont exclusivement pour objet de :

- 1°) - discuter l'opposabilité des antériorités citées dans le présent projet d'avis documentaire ;
- 2°) - mettre en évidence les caractéristiques techniques des revendications dans la rédaction initiale ou dans la nouvelle rédaction qui vous paraissent échapper à l'opposabilité des antériorités citées.

À l'expiration du délai susvisé, éventuellement renouvelé, un second projet d'avis documentaire vous sera notifié.

Veuillez agréer, M... , l'assurance de ma considération distinguée.

Pour le Directeur de l'Institut National
de la Propriété Industrielle

Pour Le Chef de Division.

Le Chef de Bureau

Date de la recherche du premier projet d'avis documentaire :

Liste des éléments de la technique susceptibles d'affecter la brevetabilité de l'invention, objet de la demande visée au recto, au sens des articles 8 (nouveau) et 9 (activité inventive) de la loi N° 68-1 de janvier 1968 -

Nota : Les documents cités ci-dessous ont été rendus publics antérieurement à la date de dépôt de la demande de brevet (sans tenir compte d'un éventuel droit de priorité attaché à un dépôt antérieur). La liste des documents cités est strictement limitée à ceux qui sont opposables aux revendications sur la base desquelles a été établi le présent projet d'avis documentaire.

DOCUMENTS CITES	Revendications de la demande examinée concernées par les passages visés.
- Références d'identification - Renvoi aux passages spécialement visés - Brève analyse des passages visés.	

PCT/MCO/II/5
Annex 10
page 10

NACHFORSCHUNGSBERICHT

Seite:

Schweiz. Patentgesuch Nr.:

des Internationalen Patentinstituts
für das Eidgenössische Amt für geistiges Eigentum

Dossier IIB Nr. : HO

Schweiz. Patentgesuch Nr. :

Referenz :

Abschluss der Nachforschung:

Anmeldungsdatum :

ENTGEGEGEHALTENE DOKUMENTE Identifizierungsmerkmale – Hinweise auf besondere Stellen Kurze Inhaltsangabe des Ermittelten	In Betracht gezogene Ansprüche des geprüften Gesuches

ENTGEGEGEHALTENE DOKUMENTE Identifizierungsmerkmale – Hinweise auf besondere Stellen Kurze Inhaltsangabe des Ermittelten	In Betracht gezogene Ansprüche des geprüften Gesuches

PCT/PCO/II/5
 Annex I
 page 11

RAPPORT DE RECHERCHE

de l'Institut International des Brevets
remis au Bureau fédéral de la propriété intellectuelle

Dossier IIB No. : HO

Demande de brevet suisse No. :

Référence :

Date de la recherche :

Date de dépôt :

DOCUMENTS OPPOSES	
Références d'identification - Renvoi(s) aux passages spécialement visés Brève analyse des passages visés	Revendications de la demande examinée concernées par les passages visés

DOCUMENTS OPPOSES	
Références d'identification - Renvoi(s) aux passages spécialement visés Brève analyse des passages visés	Revendications de la demande examinée concernées par les passages visés

Progress Report by the German Patent Office
on the Setting up of "Isolated Searches"

Table of Contents

I. Search Principles

1. Regulation According to PCT
2. Regulation within the Procedure before the German Patent Office
3. Differences

II. The Search Report

1. The International Search Report
2. Search Report of the German Patent Office
3. Differences
4. Comment on the Search Reports Annexed

III. Experiences Made

1. Orientation of Examiners in Carrying out "Isolated Searches"
2. Number of Citations
3. Time Employed
4. Lack of Unity of Invention
5. Number of Searches Effected
6. Effects of Search Results

IV. Final Observations

I. Search Principles

1. Regulation According to PCT

1.1. "Article 15 The International Search

- (1) ---
- (2) The objective of the international search is to discover relevant prior art.
- (3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).
- (4) ---
- (5) ---"

1.2. "Rule 33 Relevant Prior Art for the International Search

33.1. Relevant Prior Art for the International Search

- (a) For the purposes of Article 15 (2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available

to the public occurred prior to the international filing date.

- (b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date posterior to the international filing date.
- (c) Any published application or any patent whose publication date is later but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

33.2. Fields to be Covered by the International Search

- (a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

- (b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.
- (c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential function or use of the invention and not only the specific functions expressly indicated in the international application.
- (d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

33.3. Orientation of the International Search

- (a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.
- (b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended."

2. Regulation within the Procedure before the
German Patent Office

The search is directed towards the subject matter of the invention as characterized by the patent claims. Description and drawings of the patent application shall only be considered to the extent it is necessary for the comprehension of the patent claims. Features contained in the description or in the drawings which are not mentioned in the patent claims, do not have to be taken into account, even though they are characterized in the description as essential for the invention.

The search is carried out in respect to all patent claims. Although novelty, technological progress and inventive step have to be considered in the search, the search report does not give any evaluation thereof and the publications searched are not classified according to said criteria. In the event of several versions of the claims the search shall be based on the last filed version.

In the case of combination claims, their features have first of all to be searched together. The search has to include the individual features of the combination claims only if they are obviously of essential importance.

Prior to the search the examiner checks whether all classes, sub-classes, groups and sub-groups mentioned for his particular field have to be searched or whether certain classes, sub-classes, groups or sub-groups may be excluded, as they are not likely to contain any publications relating to the subject matter of the invention.

The search file thus to be considered shall be searched according to the groups and sub-groups of the patent

classifications system (patent and other literature); such search file also includes publications which are filed by reason of multiple classification in the respective classification units (Ergänzungsprüfstoff). The search has to be stopped only in the particular case publications are retrieved according to which the features of all patent claims are prejudicial as to novelty.

In respect to each patent claim - as far as it is not self-evident - all publications searched shall have to be mentioned within a reasonable extent. If the number of publications to be cited is getting too large by reason of an extremely extensive version of the main claim, only such publications shall be selected which by taking into consideration the restricting features of the dependent claims come nearest to the subject matter of the invention.

If publications forming part of a patent family are retrieved such interrelation shall be marked by an equality sign (=) between the publications of the patent family combined in one group.

The search shall not be restricted to the state of the art according to Articles 1 and 2 German Patent Law^{*)}. On the contrary also prior rights within the meaning of Article 4, Section 2, of the German Patent Law^{*)} and earlier German patent applications shall be indicated to the extent they are available as publications [Offenlegungsschriften (unexamined applications), Auslegungsschriften (examined applications) or Patentschriften (patents)] on the date of the search. Also publications published within the period of a priority claimed shall be mentioned. Brochures, company releases and the like shall only be considered if they obviously consti-

*) see Annex 1

tute a publication with a clearly specified publication date. In such case the publication date shall be indicated.

The search work will find its limits where it becomes obviously uneconomical in relation to the time spent and the scope of the technical field to be searched for the subject matter of the application.

3. Differences

3.1. There is an essential difference in that according to the German guidelines, a written disclosure made available to the public only after the filing date will not be mentioned, although the written disclosure refers to an oral disclosure, use, exhibition or similar means and the date of this oral disclosure, use, exhibition or similar means is prior to the filing date.

3.2. There is no provision in the German guidelines corresponding to the last part of Rule 33.3 (b) PCT, according to which the search shall cover also amendments of the claims which may reasonably be expected.

II. The Search Report

1. The International Search Report

1.1. "Rule 43 The International Search Report

43.1. Identifications

The international search report shall identify the International Searching Authority which

established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

43.2. Dates

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed.

43.3. Classification

(a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.

(b) Such classification shall be effected by the International Searching Authority.

43.4. ---

43.5. Citations

(a) The international search report shall contain the citations of the documents considered to be relevant.

(b) The method of identifying any cited document shall be regulated by the Administrative Instructions.

- (c) Citations of particular relevance shall be specially indicated.
- (d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.
- (e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears.

43.6. Fields Searched

- (a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used.
- (b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages

in which it extended. For the purpose of this paragraph, Article 2 (ii) shall not apply.

43.7. ---

43.8. ---

43.9. No Other Matter

The international search report shall contain no matter other than that enumerated in Rules 33.1. (b) and (c), 43.1., 2., 3., 5., 6., 7. and 8., and 44.2. (a) and (b), and the indication referred to in Article 17 (2)(b). In particular, it shall contain no expressions of opinion, reasoning, arguments or explanations.

43.10. ---"

2. The Search Report of the German Patent Office

- 2.1. The preliminary examination division (patent division 01) first enters on form-sheet P 2250 (Annex 2; see also Annexes 5 and 7) the relevant classes, subclasses, groups and sub-groups according to the German as well as the International Patent Classifications and the names of the examiners competent for said classes.

After termination of the search each examiner marks off and dates the column containing his name. He furthermore enters the classes and groups used for the search in the column "Recherchierte Klassen", indicates in the column provided therefore - separately according to classes and groups cited - the time

spent for the search including the checking of the application documents and ticks off in column "Be-schneidigt ist Prüfstoff aus" the countries, publications of which are regularly collected at the German Patent Office and the search file of which had been used. This applies also in case no publications of the respective country had been retrieved. Publications of third countries which happen to be in the search file will have to be mentioned in the search report whereas these countries are not referred to in said column. To the extent further foreign search files are regularly collected only as of a specified year, this fact will have to be mentioned, e.g. x Japan (JA) ab 1960. In this connection it is irrelevant whether said patent specifications are available in the original or in an abstract in the classified file of the examiner.

In form-sheet P 2252.0 (Annex 3; see also Annexes 5 and 7) the examiner lists the publications searched according to countries and within these countries - starting with the patent specifications - according to types of publications and rising numbers. If appropriate - in particular in case of a large number of publications searched - said list may also be consecutively numbered. In the case of several searchers participating in the search each of them will list the publications found in above sequence. The publications are then once again sorted in the fair copy by patent division 01.

In form-sheet P 2253.0 (Annex 4; see also Annexes 5 and 7) the examiner indicates the publications found in respect of all the patent claims in their consecutive order (e.g. "zu Anspruch 1", "zu Anspruch 2" etc.). If necessary for better understanding the

relevant citations from the publications shall be indicated with the number of page, section or line. If one publication covers several claims of the application said claims may be referred to jointly (e.g. "zu den Ansprüchen 3 bis 5").

If no publication has been found in respect to a particular patent claim this will have to be marked by a dash (e.g. "zu Anspruch 7: -").

Claims, the subject matter of which is mere common place or comes within the uncontested general knowledge, and have consequently not been searched will be marked by "0" (e.g. "zu Anspruch 8: 0").

In a final chapter there shall be cited other material forming part of the state of the art and connected with the problem of the invention which does not refer to individual patent claims. Such publications are to be marked by "allgemein zum Stand der Technik".

- 2.2. The method of mentioning bibliographical data of the publications searched is to be seen from Annex 9.
- 2.3. As a rule, classes and groups are neither to be stated for the patent specifications nor for other publications. Exceptions will be admissible if a publication is contained in the search file of the examiner, not, however, in the library of the German Patent Office, and which would be difficult to trace later on without an indication that it is to be found in the search file. Such indications about the filing of publications in the search file are not included in the fair copy of the search report. Applications, published as "Offenlegungsschriften" (unexamined applications), "Auslegeschriften" (examined applica-

ions) or "Patentschriften" (patents) after the filing date of the application to be searched but bearing an earlier filing date than the application to be searched shall be marked with the additional indication "Anmeldetag", e.g. DT-AS 1 201 001 Anmeldetag 18.09.65 (A.T. 18.09.65).

If such earlier German patents and patent applications are cited, explanatory remarks may only be given in respect to their claims, not, however, in respect to parts of the description or drawings. Moreover, they may only be cited in respect to the claims of the applications to be searched, not, however, in respect to the state of the art.

Publications issued during the priority period have to be marked by "veröff." (date of issue), e.g. DE - PS 3 370 500 veröff. 27.02.68.

Patent families have to be mentioned in the following manner on both form sheets:

DE-AS 1 260 813 = DL-PS 59 451
= FR-PS 1 447 698.

In case a publication with a patent family pertaining thereto is cited in respect to several claims, indication of said patent family does not have to be repeated.

Terms such as "novelty", "technological progress", "inventive step" and the like which suggest an evaluation of the subject matter of the application as effected during the examination procedure, may not be used.

3. Differences

- 3.1. It is pointed out that publications of special importance are not particularly stressed in the German search report. It is held, that a special identification, for example underlining of the respective publications, is not necessary. However, it might be considered as a particular emphasis as against the material searched in respect to the state of the art, if publications are attributed to specified patent claims.
- 3.2. There are no other differences to be ascertained between the international and the German search reports, as the method of identifying any cited documents in the international search report shall only be regulated by the Administrative Instructions (Rule 43.5. b).

4. Comment on the Search Reports Annexed

- 4.1. Patent application 1 800 001 (Annexes 5 and 6).

This patent application has been classified in one main class and one sub-class (see Annex 5). Different examiners were competent for the main class and the sub-class. Each examiner has carried out his own search and has searched in addition to the classification unit indicated a further classification unit as is to be seen from column "Recherchierte Klassen". For the main class and sub-class searches the publications searched have been summed up in "Anlage 1" and the publications searched in respect to the claims of the patent application are specified in "Anlage 2". Each search has been signed by the competent examiner indicating the date of the completion of the search.

Annex 6 concerns an official notice to the applicant on the result of the publications searched. Hereby, too, the classification unit and the countries searched are indicated. The result of the main class and the sub-class searches, however, is summarized in "Anlage 1" and "Anlage 2" by the office staff setting up the search reports. The cover page contains the name of the examiner who carried out the search and the date of the completion of the search, in order to enable the applicant to know who participated in the search.

4.2. Patent Application 2 077 843 (Annexes 7 and 8)

This case, too, concerns a patent application which was classified in one main and one sub-class. The only difference in respect to the example given in 4.1. is, that the searches in the main and in the sub-class have been carried out by the examiner competent for the main class (see Annex 7). Accordingly the search was signed by only one examiner.

Annex 8 again refers to the notice sent to the applicant. In this case "Anlage 1" has been omitted and the publications have been mentioned on the cover as only a small number of publications had been cited. "Anlage 2" again contains the specified citations.

III. Experiences Made

1. Orientation of Examiners in Carrying out "Isolated Searches"

To a minor degree, examiners are entrusted with "isolated searches" who before had been working in the granting

procedure and had carried out examination searches within said procedure. In most cases, however, those examiners are taken who have set up so-called commercial searches before, i.e. searches outside the procedure before the patent office.

1.1. Reorientation of the Examiners from Examination Search to "Isolated Search".

There is an essential difference between these two types of searches. In case of an examination search the examiner normally questions the focal point of the invention (normally patent claim 1) whereas he does not bother much about the dependent patent claims, as said claims, once the patent claims on which they depend are abolished, will be dropped in the further course of the examination procedure, anyhow, or will at least have to be rephrased. Therefore, dealing with such dependent patent claims does not appear to be economical. In contrast thereto, in the "isolated search" which does not contain an evaluation of the patent claimed and no comment on the publications searched, the dependent claims have to be taken into account in the same way as the independent claims: only the exhaustive knowledge of the state of the art will enable the applicant to phrase the patent claimed in his application in such a manner as to satisfy the requirements of the German Patent Office as well as of any other patent office with which he might want to file his application.

The examiners familiar with the examination search are used to stop the search as soon as they have found material prejudicial to the focal point of the invention, then to set up the report and to wait for

the applicant's reaction. For the carrying out of "isolated searches" these examiners have to adopt a completely different attitude, as they are not allowed to send a report or even to comment on the citations. The main problem for these examiners was, to adapt themselves to a new type of search, that is to say, to search in respect to all claims "dependent or independent" and to go through the search file in all necessary classification units. The attribution in the search report of the documents searched to specific claims constitutes an advantage and a valuable self-control, as the examiners thereby are always reminded to carry out the search exhaustively.

The positive effect was that these examiners had the experience from the patent granting procedure. They were used to a concentrated search and to consider in selecting the documents searched, novelty as well as technological progress and inventive step.

1.2. Reorientation of the Examiners from the So-Called Commercial Search to the "Isolated Search"

There is also an essential difference between these two types of searches. In case of the so-called commercial search, the requests were not subject to any formal requirements. The subject matter of a request was merely described. Characterizing features in form of patent claims were only rarely phrased. The documents were mostly of a general contents and were not directed to one specific technical object.

The so-called commercial search did only deal with novelty without taking into consideration technological progress and inventive step. It was not possible to search for the purposes of the invention but only

for individual features. The interrelation between the individual features, too, could, as a rule, not be taken into account. In selecting the documents searched, an eventual evaluation of said documents in a subsequent examining procedure was not considered.

By reason of the phrasing of the documents, these examiners were not used to carry out a concentrated search. They were rather used to search in many classification units also from other fields, hoping to trace prior published material with prejudicial effect as to novelty. The search could take up to 20 hours.

For these examiners, in most cases, reorientation was more complicated and time-consuming. The examiners were introduced to the practice of the granting procedure during a 4-weeks training in the framework of which they attended special courses on patent law and the administrative course of the examining procedure. Particular emphasis was given to the carrying out of concentrated searches, and to the consideration and the effect of the search results in view of a subsequent examining procedure.

This sort of training proved very valuable and appropriate during the following activity for the "isolated search". For some of the examiners this reorientation to the new search system took quite some time, in spite of this special training.

1.3. Training of Junior Examiners

The appointment as examiner of the German Patent Office, i.e. examiner for the examination of

patent applications as well as examiner for "isolated searches" is subject to a completed study of natural science or technical subjects at a university or a technical academy and work thereafter in a practical field for at least five years.

The practical training of the junior examiners to be charged with the "isolated searches" is principally directed towards this objective. In addition they are trained in the granting procedure by an examiner competent for the corresponding technical field.

During this training the junior examiners attend two courses on general law (24 hours each) and two courses on patent law (40 respectively 24 hours). Moreover, they are familiarized in special lectures with:

- (a) Special questions in the processing of patent applications relating to chemical fields,
- (b) Documentation and
- (c) Classification and the setting up of search files.

As a rule, the training takes 18 months. But usually these junior examiners are able to manage a normal workload already after one year.

1.4. Comparison of the Three Categories of Examiners

Examiners experienced in the granting procedure required the shortest retraining period, normally

only a few months. They are followed by the junior examiners, as these examiners were not handicapped by other search methods but could be trained exclusively in the "isolated searches" and in the granting procedure. Only the examiners who carried out the so-called commercial searches before met with the greatest difficulties. Although they were familiar with the search activity as such, they nevertheless always tended to search too broadly and consequently un-economically.

In any case we considered it necessary to have the "isolated search" always carried out not independently but in view of a granting procedure. Therefore we are of the opinion that the examiners carrying out "isolated searches" should also be familiar with the course of the granting procedure

2. Number of Citations

- 2.1. The introduction of the "isolated search" showed that the search was carried out on too broad a basis and sometimes publications were cited which had only a remote connection with the subject matter of the invention. Occasionally applicants complained that the technical contents of the documents cited were so remote that neither a delimitation of the patent claim nor a supplementation of the state of the art in the description was necessary.

Furthermore applicants pointed out that - besides the indication of patent families - very often several publications of more or less equivalent content were cited.

2. Accordingly, examiners were instructed as follows:

- (a) to cite publications in respect to the claims necessitating at least a delimitation of the patent claims,
- (b) to generally cite documents in respect to the state of the art to be considered either in regard to the problem of the invention or to the general inventive idea, at least, however, necessitating a supplementation of the state of the art in the description.

Furthermore they were instructed to make selections in case of several publications searched with more or less equivalent technical content and to cite only those publications with the broadest technical content in the search report.

In case of several publications with actually equivalent content, the search report is to cite said publications in the language used by the applicant, e.g. in case of a French applicant in the French language and in case of an American applicant in the English language.

2.3. According to a study carried out in 1971 the average rate of citations per search report was 6.3; this figure may be divided as follows:

- (a) German patent-literature 46,5 %
- (b) foreign patent-literature 47,6 %
- (c) German non-patent-literature 4,0 %
- (d) foreign non-patent-literature 1,9 %

A break-down according to technical fields will be as follows:

Technical Field	Number of citations	DT-patent-literature in %	Foreign patent-literature in %	DT-non-patent-literature in %	Foreign non-patent-literature in %
Mechanical engineering	6,6	43,9	52,4	2,9	0,8
Mechanical technology	4,5	48,1	47,1	4,5	0,3
Electrical engineering	9,0	47,3	46,8	4,0	1,9
Chemistry	1,6	33,1	53,1	5,0	8,8
Physical science	4,4	53,2	36,8	5,9	4,1

3. Search Times

3.1. Basis of calculation was the average search time for the so-called commercial searches amounting to 16.4 hours per search.

3.2. In summer 1968 the first trial searches according to the principles laid down in I.2. were carried out, requiring an average search time of 15.7 hours.

3.3. These search times seemed to be too high. Therefore examiners charged so far with so-called commercial searches, received a special training, as explained under III. 1.2.

In 1969 it was possible to reduce the search time to 11.5 hours.

3.4. Also these times appeared to be too high. Therefore the following measures were taken:

- (a) Speedier adaptation of the search file to the International Patent Classification whereby a more detailed sub-division was achieved. To the extent an official adaptation of the search file to the International Patent Classification was not yet possible, an internal detailed sub-division on the lines of the International Patent Classification was effected.
- (b) Multiple filing of the search file in main- and sub-classes.
- (c) In case of searches in the main- and in the sub-classes, the examiner competent for the main class - as far as possible - is also to carry out the search in the sub-classes.
- (d) Improvement of the assignment of tasks in such a manner that corresponding classes in which according to experience an additional search has to be effected in many cases, were assigned to the same examiner.

- (e) A stricter control of the time limits in such a manner that each examiner had to file a weekly time-sheet with the head of his division.

It was the object of the measures taken under a) and b) to achieve a more specialized filing of the search file according to classification units and thus to reduce the volume of the file to be searched. By reason of the multiple filing it was no longer necessary to search in corresponding classes.

It was the object of the measures taken under c) and d) to concentrate the search as far as possible with one examiner and to avoid that several examiners have to work through the application documents.

The measure taken under e) was an enlargement of the controlling powers of the heads of the groups and divisions.

These measures proved successful. The average search time in 1971 could be reduced to 8.6 hours.

4. Lack of Unity of Invention

The German Patent Office does not attach great importance to the question of lack of unity of invention. Although patent applications are checked as to obvious lack of unity of invention prior to the "isolated searches", the rate of reclamations is very low, less than 1 %. We believe that the applicants do not try to misuse the principles of unity. This is confirmed by the experience, made with the "isolated search".

From a total of 18 000 searches effected so far, only in two cases a search was not completed by reason of lack of unity of invention.

5. Number of Searches Effected

5.1. The law introducing the "isolated search" came into force as of October 1, 1968.

After an initial period of one year, the number of searches effected was statistically compiled as of September 1, 1969.

5.2. In the first statistical year the average rate of searches effected per examiner was 120 searches. The rates of the individual examiner ranged from 67 to 233.

5.3. In the second statistical year the average number of searches effected per examiner was 164 searches. The rates of the individual examiner ranged from 107 to 296.

6. Effects of Search Results

6.1. For 50 % of the cases a request for examination was filed subsequent to the search report. As under the German patent law requests for examination may be filed within a period of 7 years after filing of the application, a final judgment in respect to the remaining 50 % of the applicants is not yet possible.

6.2. In respect to the first 50 % for which a request for examination had been filed the application documents were restricted in two thirds of the cases by reason of the search request. For one third the request for examination was filed with unamended application documents. For some of these applications, the competent examiner requested at the beginning of the

examining procedure a restriction of the documents by reason of the search result. There is no statistical material on these cases.

IV. Final Observations

1. The foregoing report is based on more than three years experience in the setting up of "isolated searches".
2. Apart from the abstracts according to rules 8.38 and 44.2. PCT*) and minor differences as explained under I.2. and II.3., the "isolated search" may be considered as a search similar to the international search.
3. It was an advantage that the examiners entrusted with the setting up of "isolated searches" are also familiar with patents in general and with the relevant patent legislation in particular.
4. Experience has shown that if the searches are to be of the desired quality, a profound knowledge of the principles of patent law is absolutely necessary for the evaluation and the selection of the citations.
5. According to our experience a further reduction of the search time might bear the risk of a reduction of quality of the searches.
6. In view of a further intensification and improvement of the search activity, the examiners have been united in groups of 4 to 6 examiners under the direction of a senior examiner.
7. Particular emphasis is given to a further intensification of the training of the examiners who are in parti-

*) see Annex 10

cular to be made more familiar with the interrelation between the number of citations, search time, classification of search file, and quality of search.

8. For trial purposes "isolated searches" for alloys have been mechanized. For this purpose a Siemens-installation 4004/35 with a core storage of 64 K is used. If these trials prove successful, which seems to be quite possible in regard to the results obtained so far, it is intended to extend the "isolated search" as mechanized search also to other technical fields. By this type of search, the search time could be further reduced for the examiner. However, it has to be taken into account that additional work has to be carried out by auxiliary staff who submit the publications cited by the computer to the examiner for perusal.

[Annexes follow]

GERMANY (Federal Republic)

THE PATENT LAW

Part one

The Patent

Article 1

- 1) Patents are granted for new inventions which permit of industrial application (gewerbliche Verwertung).
- 2) The following shall be excluded:
 1. inventions, the use of which would be contrary to law or morality, except where the laws merely restrict the offering for sale or putting on the market of the subject of the invention or, if the invention relates to a process, of the product obtained directly by means of that process;
 2. discoveries of plant varieties which, according to their species, figure in the List of Species annexed to the Law on the Protection of Plant Varieties, of May 20, 1968 (Bundesgesetzblatt I, p.429), and also processes used in breeding similar varieties.

Article 2

An invention is not considered new if at the time of the application for a patent (Article 26) it has already been described in printed publications made available to the public (öffent-

liche Druckschriften) during the preceding hundred years, or has already been publicly used in this country in such a manner that use thereafter by other persons skilled in the art (Sachverständige) seems possible. Any description or use within six months prior to the application shall not be taken into account if it is based upon the invention of the applicant or his predecessor in title.

Article 4

- (1) ---
- (2) However, if the invention is the subject of a patent granted on an earlier application, a later application cannot establish the right to the grant of the patent. If this condition applies only in part, the applicant shall have a right to the grant of the patent with a corresponding limitation.
- (3) ---

[Annex 2 follows]

Verfügung

1.1. Antrag gemäß § 28a Abs. 1 PatG liegt vor und ist wirksam geprüft.

Patentblatt vom

2. Redakt. St. Patentblatt: Eingang des Rechercheantrags im Patentblatt veröffentlichen.

Eried. (Name, Datum)

3. Recherchen sind durchzuführen in/von*)

Klasse/Gr.
 Klasse/Gr.
 Klasse/Gr.
 Klasse/Gr.
 Klasse/Gr.
 Klasse/Gr.
 (Prüfnummern)

Zeitaufwand:		Std.
		..
		..
		..
		..
		..
		..

4. Akten den vorstehenden Prüfungs- bzw. Recherchestellen zur Durchführung der Recherche vorlegen.

M.1. Rechercheverarbeitung: Nach Erledigung von Ziff. 1.1.4.

Vordr. P 2251 mit Anlagen ausfertigen und mit Anschreiben (Vordr. P 2254) absenden an +) Anm.-Vertr. und

Antragst.-Vertr.

+ (bei Anmeldergemeinschaften insgesamt Ausfertigungen)

2. Weitere Veranlassung (Veröffentl. d. Rech.-Mittig. usw.) siehe besondere Verfügung.

3. Z. d. Akten

Patentabteilung 01

Recherchen-Leitstelle

(Unterschrift)

Recherchierte Klassen:

Ermittelte Druckschriften: siehe Anlage 1

(Beim Recherchieren hier nichts eintragen!)

Berücksichtigt ist Prüfstoff aus:

Deutschland (DT/DL) Österreich (OE) Schweiz (CH)

Großbritannien (GB) Frankreich (FR) USA (US)

*) Eintragung der Kl. u. Gr. durch Pat. Abt. 01 nach Wirksamkeitsprüfung des Rechercheantrags: weitere Eintragungen von den Stellen, die mit der Recherche befaßt sind.

[Annex 3 follows]

P 2252.0.
10. 68

[Annex 4 follows]

DEUTSCHES PATENTAMT

Vfg.-Exemplar

8000 MÜNCHEN 2
Zweibrückenstraße 12

Anlage 1

zur Recherche-Verfügung P 2250

für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

befr. Patentanmeldung P

Liste über die ermittelten Druckschriften:

PCT/TCO/III/5
Annex II
page 16

Anlage 2

zur Recherche-Verfügung P 2250
für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche
betr. Patentanmeldung P

Erläuterungen zu den ermittelten Druckschriften:

PCT/TCO/III/5
Annex II
page 17

In den Erläuterungen bedeuten:

- „AT“: Anmelde tag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
- „Veröff.“: Ausgabetag einer Druckschrift im Prioritätsintervall.
- „=“: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilie“).
- „-“: Nichts ermittelt.
- „O“: Nicht recherchiert, da allgemein bekannter Stand der Technik.

P 2253.0.
2.70

[Annex 5 follows]

Verfügung

1.1. Antrag gemäß § 28a Abs. 1 PatG liegt vor und ist wirksam geprüft.

Patentblatt vom

2. Redakt. St. Patentblatt: Eingang des Rechercheantrags im Patentblatt veröffentlichen. Erled.

(Namenstz., Datum)

3. Recherchen sind durchzuführen in/von*

Klasse/Gr.	Prüfer	Zeitaufwand:	Std.
21a4 15-00	Kewer	211 15	15
21a4 15-00	Dr. Schmidt	110 15	15
.....
.....
.....
.....

Klasse/Gr.	Prüfer	Zeitaufwand:	Std.
.....
.....
.....
.....
.....
.....

4. Akten den vorstehenden Prüfungs- bzw. Recherchestellen zur Durchführung der Recherche vorlegen.

II.1. Rechercheverarbeitung: Nach Erledigung von Ziff. I.1.4.

Vordr. P 2251 mit Anlagen ausfertigen und mit Anschreiben (Vordr. P 2254) absenden an +) Anm.-Vertr. und

Antragst.-Vertr. +) (bei Anmeldergemeinschaften insgesamt Ausfertigungen)

2. Weitere Veranlassung (Veröffentl. d. Rech.-Mittlg. usw.) siehe besondere Verfügung.

3. Z. d. Akten

Patentabteilung 01

Recherchen-Leitstelle

(Unterschrift)

1800001 21a4 21a4 15-31

1800001 AT 02.01.68
Fr 10.01.67 Frankreich P 536 623

Bez.: Einrichtung zur Umwandlung eines Normalbattes in ein Doppelbatt zur Verwendung in Hotelzimmern.

Anm.: Carbusier, gen. Durand, Angele, Paris 6, Frankreich;

Ver.: Lamprocht, K., Dipl.-Ing., Patentanwalt, 8000 München 2;

Erfind.: Deutscher, Michel, 1000 Berlin 05

Recherchierte Klassen:

21a4 15-00
21a4 15-31
37a 7-00
37a 22-00

Ermittelte Druckschriften: siehe Anlage 1

(Beim Recherchieren hier nichts eintragen!)

Berücksichtigt ist Prüfstoff aus:

- Deutschland (DT/DL) Österreich (OE) Schweiz (CH)
- Großbritannien (GB) Frankreich (FR) USA (US)
- Belgien (BL)
- Dänemark (DK)
-

*) Störung der Kl. u. Gr. durch Pat. Abt. 01 nach Wirksamkeitsprüfung des Rechercheantrags; weitere Eintragungen von den Stellen, die mit der Recherche befaßt sind.

Anlage 1

zur Recherche-Verfügung P 2250

für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

betr. Patentanmeldung P 18 00 001

Liste über die ermittelten Druckschriften:

DT-PS	201 598	
DT-AS	1 023 101	
DT-AS	1 260 807	Anmeldetag 14.09.62
DT-Anm	L 30 126	WII/8b bek.gem.12.08.54
DT-OS	1 414 955	
DT-Gbm	1 836 805	
GE-PS	198 964	
=CH-PS	356 643	
BE-PS	643 100	
FR-PS	822 222	
FR-Zusatz-PS	75 706	
GE-PS	841 767	veröff. 25.03.67
US-PS	2 463 921	
DT-Buch		R. Tomeschek, Grimsells Lehrbuch der Physik B.G. Teubner, 10. Aufl., Leipzig und Berlin (1942) 3. Ed. S. 581-582
DT-Zeitschrift		Archiv für Elektrotechnik Bd. 51 (1968) H. 5 S. 178-186
DT-Zeitschrift		Die Naturwissenschaften Bd. 55 (1968) H. 3 S. 150-154
DT-Firmenschrift		Hauptkatalog 1964, Photoelektrische Meß- und Schaltgeräte Dr. Bruno Lange GmbH, Berlin, S. 68
US-Zeitschrift		The Journal of the Acoustical Society of America Bd. 44 (1967) H. 4 S. 882-885

Anlage 1

zur Recherche-Verfügung P 2250
für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

betr. Patentanmeldung P 13 00 001

Anlage 2

zur Recherche-Verfügung P 2250
für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

betr. Patentanmeldung P 13 00 001

Liste über die ermittelten Druckschriften:

DT-AS	1 253 470	veröff. 02.11.67	
DL-PS	59 451	veröff. 20.12.67	
FR-PS	1 447 698	veröff. 31.10.67	
FR-PS	12 345 M		
DT-Zeitschrift	Chemisches Zentralblatt		
	Bd.134 (1963) S.360		
	(IT-PS 517 316)		
DT-Zeitschrift	Chemisches Zentralblatt		
	Bd.139 (1968) H.8 Referat 1034		
GB-Zeitschrift	Derwent Japanese Patents Report		
	Bd.4 (1965) H.3 (1) S.1		
	(JA-AS 818 (1965))		
US-Zeitschrift	Chemical Abstracts		
	Bd.65 (1966) Sp.1610e		
US-Zeitschrift	Chemical Abstracts		
	Bd.66 (1967) Referat 1069w		

Erläuterungen zu den ermittelten Druckschriften:

Zu Anspruch 1:	DT-AS	1 253 470	veröff. 02.11.67	Fig.3 u.Anspr.
	DL-PS	59 451	veröff. 20.12.67	
	FR-PS	1 447 698	veröff. 31.10.67	
zu Anspruch 2:	FR-PS	12 345 M		Fig.6 Pos.k
zu Anspruch 3:	DT-AS	1 253 470	veröff. 02.11.67	Anspr.7
zu den Ansprüchen 4 bis 6:				-----
zu Anspruch 7:				0
zu Anspruch 8:	DT-Zeitschrift	Chemisches Zentralblatt		
		Bd.134 (1963) S.360		(IT-PS 517 316)
	DT-Zeitschrift	Chemisches Zentralblatt		
		Bd.139 (1968) H.8 Referat 1034		(J.med.Chem. 10 (1967) 2, 154-159)
	US-Zeitschrift	Chemical Abstracts		
		Bd.65 (1966) Sp.1610e		(Am. Mineralogist 51 (1-2), 216-220 (1966))
zu Anspruch 9:	GB-Zeitschrift	Derwent Japanese Patents Report		
		Bd.4 (1965) H.3 (1) S.1		(JA-AS 818 (1965))
zu den Ansprüchen 10 bis 12:				-----

In den Erläuterungen bedeuten:

- „AT“: Anmeldelag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
- „Veröff.“: Ausgabestag einer Druckschrift im Prioritätsintervall.
- „-“: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
- „-“: Nichts ermittelt.
- „0“: Nicht recherchiert, da allgemein bekannter Stand der Technik.

Anlage 2

zur Recherche-Verfügung P 2250
für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche
betr. Patentanmeldung P 18 00 001

Erläuterungen zu den ermittelten Druckschriften:

allgemein zum Stand der Technik:

US-Zeitschrift Chemical Abstracts
Bd.66 (1967) Referat 1069v
(J.Clin.Invest. 45 (11), 1719-31
(1966) (Eng.))

Dr. Schmidt 13.11.68

In den Erläuterungen bedeuten:

- „AT“: Anmeldetag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
- „Veröff.“: Ausgabetag einer Druckschrift im Prioritätsintervall.
- „-“: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
- „-“: Nichts ermittelt.
- „O“: Nicht recherchiert, da allgemein bekannter Stand der Technik.

[Annex 6 follows]

Mitteilung

über das Ergebnis einer Druckschriftenermittlung gemäß § 28 a des Patentgesetzes
(Zutreffendes ist angekreuzt)

Auf Grund des vom Anmelder - Antragsteller

gemäß § 28 a Abs. 1 des Patentgesetzes gestellten Antrags vom 10. JUNE 1968
sind zur unten links bezeichneten Patentanmeldung die unten rechts aufgeführten auf der beigefügten Liste
(Anlage 1) angegebenen öffentlichen Druckschriften ermittelt worden.

Solfern zu den Ermittlungen nähere Einzelheiten anzugeben waren, gehen diese aus dem beigefügten Erläuterungsblatt
(Anlage 2) hervor.

1800001 A21b 21a4 15-31
1800001 AT 02.01.68
Fr 10.01.67 Frankreich P 536 623

Bes.: Einrichtung zur Umwandlung eines
Normalbettes in ein Doppelbett zur Ver-
wendung in Hotelzimmern.

Ann.: Corbusier, geb. Durand, Angele,
Paris 6, Frankreich;

Vtr.: Lamprecht, K., Dipl.-Ing.,
Patentanwalt, 8000 München 2;

Erf.: Deutscher, Michel, 1000 Berlin 05

Ermittelt wurde in folgenden
Patentklassen:

21a4 15-00
21a4 15-31
37d 7-08
37c 22-01

Ermittelte Druckschriften: siehe Anlage 1

In Betracht gezogen ist Prüfstoff folg. Länder:*)

- Deutschland (DT/DL) Österreich (ÖE) Schweiz (CH)
- Großbritannien (GB) Frankreich (FR) USA (US)
- Belgien (BE)
- Dänemark (DK)
-

*) Die von den angekreuzten Ländern ausgegebenen Patentschriften u. dgl. sind, soweit sie im Deutschen Patentamt im wesentlichen vollständig vorhanden sind,
bei der Druckschriftenermittlung durchgesehen worden. Eine Gewähr für Vollständigkeit der Ermittlung wird nicht geleistet (§ 28 a Abs. 7 PatG).

Klasse/Gruppe 21a4 15-00 rez. Meyer 11.11.68
Klasse/Gruppe 37d 7-08 rez. Dr. Schmidt 13.11.68
Klasse/Gruppe _____
Klasse/Gruppe _____
Klasse/Gruppe _____
Klasse/Gruppe _____

Ausgefertigt:



Anlage 1

zur Mitteilung über die ermittelten Druckschriften gemäß § 28a des Patentgesetzes

betr. Patentanmeldung P 18 00 001

Liste über die ermittelten Druckschriften

DT-PS	201 598
DT-AS	1 023 101
DT-AC	1 253 470 veröff. 02.11.67
=DL-PS	59 451 veröff. 20.12.67
=FR-PS	1 447 698 veröff. 31.10.67
DT-AC	1 260 807 Anmelde tag 14.09.62
DT-Arm	L 30 126 VII/8b tek.gem.12.08.54
DT-OC	1 414 955
DT-Gem	1 836 805
GE-PC	198 964
=CH-PS	356 643
DE-PS	643 100
FR-PS	12 345 H
FR-PS	822 222
FR-Eusatz-PS	75 706
GD-PS	841 767 veröff. 25.03.67
UG-PS	2 463 921
DT-Buch	R.Tomaschek, Grimshle Lehrbuch der Physik B.G.Teubner, 10.Aufl., Leipzig und Berlin (1942) 2. Bd. S. 581-582
DT-Zeitschrift	Archiv für Elektrotechnik Bd. 51 (1968) H. 5 S. 178-186
DT-Zeitschrift	Die Naturwissenschaften Bd. 55 (1968) H. 3 S. 150-154
DT-Zeitschrift	Chemisches Zentralblatt Bd. 134 (1967) S. 360 (IT-PS 517 316)
DT-Zeitschrift	Chemisches Zentralblatt Bd. 139 (1968) H. 8 Referat 1034
DT-Firmenschrift	Hauptkatalog 1964, Photoelektrische Meß- und Schaltgeräte Dr. Bruno Lange GmbH, Berlin, S. 68
GE-Zeitschrift	Derwent Japanese Patents Report Bd. 4 (1965) H. 3 (1) S. 1 (JA-AS 818 (1965))

Anlage 1

zur Mitteilung über die ermittelten Druckschriften gemäß § 28a des Patentgesetzes

betr. Patentanmeldung P 18 00 001

Liste über die ermittelten Druckschriften

US-Zeitschrift	The Journal of the Acoustical Society of America Bd. 44 (1967) H. 4 S. 882-885
US-Zeitschrift	Chemical Abstracts Bd. 65 (1966) Sp. 1610a
US-Zeitschrift	Chemical Abstracts Bd. 66 (1967) Referat 1069w

Anlage 2

zur Mitteilung über die ermittelten Druckschriften gemäß § 28 a des Patentgesetzes

betr. Patentanmeldung P 12 00 001

Erläuterungen zu den ermittelten Druckschriften:

Zu Anspruch 1:	DT-PS	201 598 S.7 u. Fig.1 Pos.m
	DT-AS	1 253 470 veröff. 02.11.67 Fig.3 u. Anspr.
	=DL-PS	59 451 veröff. 20.12.67
	=FR-PS	1 447 698 veröff. 31.10.67
	DT-Gbm	1 836 805
	OE-PS	198 964
	=CH-PS	356 643
zu Anspruch 2:	DT-OS	1 414 955 Anspr.2
	BE-FS	643 100 Anspr.4
	FR-PS	12 345 M Fig.6 Pos.k
	FR-Zusatz-PS	75 706 S.2 Sp.2 Z.56
zu Anspruch 3:	DT-AS	1 253 470 veröff. 02.11.67 Anspr.7
	DT-Anm	L 30 126 VII/8b bek.gem. 12.08.54
	FR-PS	822 222 Anspr.5 u. Fig.10
zu Anspruch 4:	DT-AS	1 260 807 Anmeldetag 14.09.62
	GB-PS	841 767 veröff. 25.03.67
	DT-Buch	R.Tomaschek, Grimsehl's Lehrbuch der Physik B.G.Teubner, 10.Aufl., Leipzig u. Berlin (1942) 2.Bd. S. 581-582
	DT-Zeitschrift	Die Naturwissenschaften Bd.55 (1968) H.3 S.150-154 u. 170.
zu den Ansprüchen 5 und 6:		
zu Anspruch 7:		0

In den Erläuterungen bedeuten:

„AT“:	Anmeldetag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
„Veröff.“:	Ausgabetag einer Druckschrift im Prioritätsintervall.
„=“:	Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
„-“:	Nichts ermittelt.
„O“:	Nicht recherchiert, da allgemein bekannter Stand der Technik.

Anlage 2

zur Mitteilung über die ermittelten Druckschriften gemäß § 28 a des Patentgesetzes

betr. Patentanmeldung P 13 00 001

Erläuterungen zu den ermittelten Druckschriften:

zu Anspruch 8:	DT-Zeitschrift	Chemisches Zentralblatt Bd.134 (1963) S.360 (IT-PS 517 316)
	DT-Zeitschrift	Chemisches Zentralblatt Bd.139 (1968) H.8 Referat 1034 (J.med.Chem. 10 (1967) 2, 154-158)
	US-Zeitschrift	Chemical Abstracts Ed.65 (1966) Sp.1610c (Am. Mineralogist 51 (1-2), 216-20 (1966))
zu Anspruch 9:	DT-AS	1 023 101 S.6 Z.30-36
	GB-Zeitschrift	Derwent Japanese Patents Report Bd.4 (1965) H.3 (1) S.1 (JA-AS 818 (1965))
zu den Ansprüchen 10 und 11:	DT-AS	1 023 101 S.6 Z.30-36
zu Anspruch 12:	US-PS	2 463 921 Fig.5 u.7
allgemein zum Stand der Technik:	DT-Zeitschrift	Archiv für Elektrotechnik Bd.51 (1968) H.5. S.178-180
	DT-Firmenschrift	Hauptkatalog 1964, Photoelektrische Meß- und Schalt- geräte, Dr. Bruno Lange GmbH, Berlin, S.68
	US-Zeitschrift	The Journal of the Acoustical Society of America Bd.44 (1967) H.4 S.882-885
	US-Zeitschrift	Chemical Abstracts Bd.66 (1967) Referat 1069w (J.Clin.Invest. 45 (11), 1719-31 (1966) (Engl.))

In den Erläuterungen bedeuten:

„AT“:	Anmeldetag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
„Veröff.“:	Ausgabetag einer Druckschrift im Prioritätsintervall.
„=“:	Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
„-“:	Nichts ermittelt.
„O“:	Nicht recherchiert, da allgemein bekannter Stand der Technik.

Verfügung

1.1. Antrag gemäß § 28a Abs. 1 PatG liegt vor und ist wirksam geprüft.

Patentblatt vom

2. Redakt. St. Patentblatt: Eingang des Recherchantrags im Patentblatt veröffentlichen. Erled.

(Namensz., Datum)

3. Recherchen sind durchzuführen in/von*)

Klasse/Gr.	47h 1-16	47h 1-16
Klasse/Gr.	42k 7-05	42k 7-05
Klasse/Gr.		
Klasse/Gr.		
Klasse/Gr.		
Klasse/Gr.		

	Zeitaufwand:	Std.
51.1.12.12	"	"
51.2.17.17	"	1/2
1.1.1.1	"	"
1.1.1.1	"	"
1.1.1.1	"	"

4. Akten den vorstehenden Prüfungs- bzw. Recherchestellen zur Durchführung der Recherche vorlegen.

5.1. Rechercheverarbeitung: Nach Erledigung von Ziff. 1.1.4.

Vordr. P 2251 mit Anlagen ausfertigen und mit Anschreiben (Vordr. P 2254) absenden an +) Anm.-Vertr. und

Antragst.-Vertr. +) (bei Anmeldergemeinschaften insgesamt Ausfertigungen)

2. Weitere Veranlassung (Veröffentl. d. Rech.-Mittlg. usw.) siehe besondere Verfügung.

3. Z. d. Akten

Patentabteilung 01

Recherchen-Leitstelle

(Unterschrift)

2077243 F16h1-16 47h 1-16

2077247 AT 31.05.70
Fr 02.06.69 Frankreich 30791-69

Ben.: Drehmomentwandler

Anm.: Duhamel, Pierre, Lyon (Frankreich)

Vtr.: Markstein, Andreas, Dipl.-Ing.,
Patentanwalt, 8000 München 2;

Erf.: Petit, Daniel, Marseille (Frankreich)

Recherchierte Klassen:

47h 1-16, 35-10
42k 7-05

Ermittelte Druckschriften: siehe Anlage 1

(Beim Recherchieren hier nichts eintragen!)

Berücksichtigt ist Prüfstoff aus:

- Deutschland (DT/DL) Österreich (OE) Schweiz (CH)
- Großbritannien (GB) Frankreich (FR) USA (US)
- Belgien (BE)
- Dänemark (DK)
-

*) Eintragung der Kl. u. Gr. durch Pat. Abt. 01 nach Wirksamkeitsprüfung des Recherchantrags; weitere Eintragungen von den Stellen, die mit der Recherche befaßt sind.

Anlage 1

zur Recherche-Verfügung P 2250

für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

betr. Patentanmeldung P 20 77 843

Liste über die ermittelten Druckschriften:

DT-PS	432 904
DT-PS	724 656
DT-PS	876 496
CH-PS	285 890
US-PS	2 562 278
US-PS	2 578 533
US-PS	3 339 426

Anlage 1

zur Recherche-Verfügung P 2250

für die dort genannten Prüfungs- und Recherchestellen zur Durchführung der Recherche

betr. Patentanmeldung P 22 57 243

Erläuterungen zu den ermittelten Druckschriften:

Zu Anspruch 1: DT-PS 432 904 Pos. s,u,t,d,h,g
 CH-PS 285 890 Pos. 2,5,10,19,20
 US-PS 2 562 278 Pos. 10,24,28,R,45
 US-PS 2 578 533 Pos. 30,40,44
 US-PS 3 339 426 Pos. 1,5,13

Zu Anspruch 2: DT-PS 432 904 Pos. f,d,p,h
 CH-PS 285 890 Pos. 21,18,19,20
 US-PS 2 562 278 Fig.5, Pos. S₁,S₂,27,30,3
 US-PS 3 339 426 Pos. 5,7,13

zu den Ansprüchen
 3 bis 5: -

zu Anspruch 6: CH-PS 285 890 Pos. 20
 US-PS 2 562 278 Pos. 45
 US-PS 3 339 426 Pos. 13,j

allgemein zum Stand der Technik:

DT-PS 724 656
 DT-PS 876 496

Kühne 5.3.71

In den Erläuterungen bedeuten:

- „AT“: Anmeldetag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
- „Veröff.“: Ausgabetag einer Druckschrift im Prioritätsintervall.
- „=“: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
- „-“: Nicht ermittelt.
- „0“: Nicht recherchiert, da allgemein bekannter Stand der Technik.

Mitteilung

Ober das Ergebnis einer Druckschriftenermittlung gemäß § 28 a des Patentgesetzes
(Zutreffendes ist angekreuzt)

Auf Grund des vom Anmelder - Antragsteller

gemäß § 28 a Abs. 1 des Patentgesetzes gestellten Antrags vom 29. Dezember 1970
sind zur unten links bezeichneten Patentanmeldung die unten rechts aufgeführten auf der beigefügten Liste
(Anlage 1) angegebenen öffentlichen Druckschriften ermittelt worden.

Sofern zu den Ermittlungen nähere Einzelheiten anzugeben waren, gehen diese aus dem beigefügten Erläuterungsblatt
(Anlage 2) hervor.

2077843 F16h1-16 47h 1-16

2077843 AT 31.05.70
Pr 02.06.69 Frankreich 30791-69

Bez.: Drehmomentwandler

Anm.: Duhamel, Pierre, Lyon (Frankreich)

Vtr.: Markstein, Andreas, Dipl.-Ing.,
Patentanwalt, 8000 München 2;

Erf.: Petit, Daniel, Marseille (Frankreich)

Ermittelt wurde in folgenden
Patentklassen:

47h 1-16, 35-10
42k 7-05

Ermittelte Druckschriften: siehe Anlage 1

DT-PS 432 904
DT-FS 724 656
DT-PS 876 496
CH-PS 285 890
US-PS 2 562 278
US-PS 2 578 533
US-PS 3 339 426

In Betracht gezogen ist Prüfstoff folg. Länder:*)

- Deutschland (DT/DL) Österreich (OE) Schweiz (CH)
- Großbritannien (GB) Frankreich (FR) USA (US)
- Belgien (BE)
- Dänemark (DK)
-

*) Die von den angekreuzten Ländern ausgegebenen Patentschriften u. dgl. sind, soweit sie im Deutschen Patentamt im wesentlichen vollständig vorhanden sind,
bei der Druckschriftenermittlung durchgesehen worden. Eine Gewähr für Vollständigkeit der Ermittlung wird nicht geleistet (§ 28 a Abs. 7 PatG).

Klasse/Gruppe 47h, 42k gez. Kühne (Berlin)
Klasse/Gruppe 5.3.71
Klasse/Gruppe
Klasse/Gruppe
Klasse/Gruppe



Ausgefertigt:

P 2251.0.

P 2251.0.
B. 70

Regierungsangestellte(r)

Anlage 2

zur Mitteilung über die ermittelten Druckschriften gemäß § 28 a des Patentgesetzes

betr. Patentanmeldung P 20 77 843

Erläuterungen zu den ermittelten Druckschriften:

Zu Anspruch 1: DT-PS 432 904 Pos. s,u,t,d,h,g
CH-PS 285 890 Pos. 2,5,18,19,20
US-PS 2 562 278 Pos. 10,24,28,31,45
US-PS 2 578 533 Pos. 30,40,44
US-PS 3 339 426 Pos. 1,5,13

zu Anspruch 2: DT-PS 432 904 Pos. f,d,p,h
CH-PS 285 890 Pos. 21,18,19,20
US-PS 2 562 278 Fig.5, Pos. S₁,S₂,27,36,3
US-PS 3 339 426 Pos. 5,7,13

zu den Ansprüchen
3 bis 5: -

zu Anspruch (): CH-PS 285 890 Pos. 20
US-PS 2 562 278 Pos. 45
US-PS 3 339 426 Pos. 13,j

Allgemein zum Stand der Technik:

DT-PS 724 656
DT-PS 876 496

In den Erläuterungen bedeuten:

- „AT“: Anmeldetag einer älteren deutschen Patentanmeldung, die bereits als Druckschrift vorliegt.
- „Veröff.“: Ausgabetag einer Druckschrift im Prioritätsintervall.
- „-“: Druckschriften, die auf dieselbe Ursprungsanmeldung zurückgehen („Patentfamilien“).
- „-“: Nichts ermittelt.
- „O“: Nicht recherchiert, da allgemein bekannter Stand der Technik.

PCT/TCO/III/5
Annex II
page 26

[Annex 9 follows]

Indication of Bibliographical Data
of the Publications searched

1. Patent Literature

- a) Patent literature searched and available in the original are cited according to the ICIREPAT country code indicating type and number of the publication. e.g. German examined application Nr.12 34 567 = DT-AS 12 34 567, the sequence of the countries corresponding to the classified search file. If other countries are concerned, they are listed in the order of the German alphabet.

The publications searched and the types of publications are to be cited within the countries in the following order and with rising numbers (without "Nr." and classes, also in respect to German patent literature):

Patentschrift = PS
Patent

Zusatz-Patentschrift = Zusatz-PS
(Patent of addition)

Auslegeschrift = AS
(examined application)

Patentanmeldung = Anm
(Patent application
(with the number and publication
date, e.g. DT-Anm L 30 126 VII/8b
bek.gem.13.08.54))

Offenlegungsschrift = OS
(unexamined application)

Gebrauchsmuster = Gbm
(Utility certificate)

- b) Reports on patent literature taken from abstracts journals such as "Chemisches Zentralblatt", "Derwent Japanese Patents Report" etc. are to be cited as follows:

ICIREPAT country code followed by the word "Zeitschrift", full title of the abstracts journal; volume (abbreviated Bd.); (in round brackets): year of issue, serial number (abbreviated H.).

In case of Derwent Reports the chapter from which the report is taken shall additionally be cited in round brackets.

Number of page (S) or column (Sp), respectively, or report number (Referat ...), for reports from "Chemisches Zentralblatt" as of 1964 and from Chemical Abstracts as of 1967.

On form-sheet P 2252.0 (Annex 3) as well as on form-sheet P 2253.0 (Annex 4) the country code and the number of the respective patent specification in round brackets. In cases of a later published report where the issue date of the original is still coming within the priority period, the date of publication is also indicated in the brackets; e.g.

Dt-Zeitschrift Chemisches Zentralblatt
Bd.134 (1963) S.360 (IT-PS 517 316)

DT-Zeitschrift Chemisches Zentralblatt
Bd.135 (1964) H.5 Referat 2341
(JA-AS 859 (1961))

GB-Zeitschrift Derwent Japanese Patents Report
Bd.4 (1965) H.3 (1) S.1 (JA-AS 818 (1965))

DT-Zeitschrift Chemisches Zentralblatt
Bd.140 (1969) H.15 Referat 1971
(CS-PS 121 629 veröff.15.01.67).

Non-Patent-Literature

a) The following indications are required for books:

Country code and the word "Buch", abbreviated first name and full name of the author, title and publishers, edition, if any, place and year of issue (in brackets) part or volume and page,

e.g.

on form-sheet P 2252.0 (Annex 3)

DT-Buch T.Tödt, Korrosion und Korrosionsschutz
Walter de Gruyter & Co, 2.Auflage
Berlin (1961) S.293-296

on form-sheet P 2253.0 (Annex 4)

additional references may be given as for example

2 in particular catch-word:

DT-Buch T.Tödt, Korrosion und Korrosionsschutz
Walter de Gruyter & Co, 2.Auflage
Berlin (1961) S.293-296
Sauerstoff-Oxidschicht S.295

b) Periodicals are in principle cited in the same manner as abstracts journals (see 1.b),

e.g.

on form-sheet P 2252.0 (Annex 3)

DT-Zeitschrift Ziegelindustrie Bd.11 (1958)
S.275-279

on form sheet P 2253.0 (Annex 4)

additional references may be given as for example
the title of the report concerned, a catch-word etc.:

DT-Zeitschrift Ziegelindustrie Bd.11 (1958)
S.275-279
"Möglichkeiten der Erweiterung des Anwendungsbe-
reiches von Ziegeldecken"
Fig.17 S.277 Z.8-12

c) Non-patent-literature taken from abstracts journals
cited as follows:

on form-sheet P 2252.0 (Annex 3)

DT-Zeitschrift Chemisches Zentralblatt Bd.139
(1968) H.8 Referat 1034

on form-sheet P 2253.0 (Annex 4)

DT-Zeitschrift Chemisches Zentralblatt Bd.139
(1968) H.8 Referat 1034 (J.med.Chem.10 (1967) 2, 154-158)

Flash-reports from Chemisches Zentralblatt are cited in the same manner as the other reports from Chemisches Zentralblatt without any additional remark as already the serial number indicates whether a report or a flash-report is concerned,

e.g.

on form-sheet P 2252.0 (Annex 3)

DT-Zeitschrift Chemisches Zentralblatt
Bd.140 (1969) H.53 Referat 0001

on form-sheet P 2253.0 (Annex 4)

DT-Zeitschrift Chemisches Zentralblatt
Bd.140 (1969) H.53 Referat 0001
(J.Organometallic Chem.(Lausanne) 13 (1968) 2,
505-11)

Reports from the Chemical Abstracts until 1966, in-
clusive, shall be cited as follows:

n form-sheet P 2252.0 (Annex 3)

S-Zeitschrift Chemical Abstracts
d.65 (1966) Sp.1610e

n form-sheet P 2253.0 (Annex 4)

S-Zeitschrift Chemical Abstracts
d.65 (1966) Sp.1610e
Am.Mineralogist 51 (1-2), 216-20 (1966)(Eng.)

s from 1967:

n form-sheet P 2252.0 (Annex 3)

S-Zeitschrift Chemical Abstracts
d.66 (1967) Referat 1069w

n form-sheet P 2253.0 (Annex 4)

S-Zeitschrift Chemical Abstracts
d.66 (1967) Referat 1069w
J.Clin.Invest.45(11), 1719-31 (1966)(Eng.)).

In cases of a later published report where the original is prior published or published within the priority period, the source of the original which contains the date of publication, shall be cited not only on form-sheet P 2253.0 (Annex 4) but also on form-sheet P 2252.0 (Annex 3).

In these special cases it shall be cited as follows:

n form-sheet P 2252.0 (Annex 3)

S-Zeitschrift Chemical Abstracts Bd.70
1969) Referat 10034y (Biol.Med.(Paris) 1968,
7(3), 297-301 (Fr))

also on form-sheet P 2253.0 (Annex 4)

US-Zeitschrift Chemical Abstracts Bd.70
(1969) Referat 10034y (Biol.Med.(Paris) 1968,
57(3), 247-301 (Fr)).

In cases of doubt the publication is cited in the interest of the search applicant even though the mere indication of the publication year does not sufficiently identify the date of publication. Said indications shall be as concise as possible. Any additions and abbreviations not appearing in the title of the review shall be avoided.

[Annex 10 follows]

REGULATIONS UNDER THE PATENT COOPERATION TREATY

Rule 8

The Abstract

8.1. Contents and Form of the Abstract**a) The abstract shall consist of the following:**

1) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

8.2. Failure to Suggest a Figure to be Published with the Abstract

If the applicant fails to make the indication referred to in Rule 3.3 (a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publications by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications.

8.3. Guiding Principles in Drafting

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

Rule 38

Missing Abstract

38.1. Lack of Abstract

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching

Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

38.2. Establishment of Abstract

- a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is published). In the latter case, it shall invite the applicant to comment on the abstract established by it within 1 month from the date of the invitation.
- b) The definitive contents of the abstract shall be determined by the International Searching Authority.

Rule 44

Transmittal of the International
Search Report, Etc.

44.1. ---

44.2. Title or Abstract

- a) Subject to paragraph (b) and (c), the international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rule 37 and 38.

- b) If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned.
- c) As soon as the time limit referred to in paragraph (b) has expired, the International Searching Authority shall notify the abstract approved or established by it to the International Bureau and to the applicant.

44.3. ---

End of Annex and of document