

## IV. Interpreting and Utilizing ISR, WOISA, and IPER

- A. What are the ISR , the WOISA, and the IPER ?
- B. International Search Report(ISR)
- C. Written Opinion of the International Searching Authority(WOISA)**
- D. International Preliminary Examination Report (IPER)

## IV. Interpreting and Utilizing ISR, WOISA, and IPER

### C. Written Opinion of the International Searching Authority(WOISA)

#### ■ Front Page

##### ➤ Basic information

- The international application #
- Name of the applicant
- The international filing date
- The claimed priority date

Applicant's or agent's file reference 5 678H		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/JP2013/999999	International filing date (day/month/year) 01.02.2013	Priority date (day/month/year) 01.02.2012	
International Patent Classification (IPC) or both national classification and IPC Int.Cl. G06Q50/00 (2012.01) i			
Applicant PATENT CORPORATION			

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

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

## IV. Interpreting and Utilizing ISR, WOISA, and IPER

### C. Written Opinion of the International Searching Authority(WOISA)

#### ■ Basis of the Written Opinion

Box No. I	Basis of this opinion
1.	<p>With regard to the <b>language</b>, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed.</p> <p><input type="checkbox"/> a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).</p>

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#### ■ Priority

We need to consider whether or not the priority claim is valid.

Box No. II

Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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### ■ Non-Establishment of Opinion

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

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 8

because:

☐ the said international application, or the said claims Nos. 8

relate to the following subject matter which does not require an international search (*specify*):

The subject matter of claim 8 relates to a method of doing business, which does not require an international search by the International Searching Authority in accordance with PCT Article 17(2)(a)(i) and Rule 39.1(iii).

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

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### ■ Lack of Unity of Invention

Box No. IV	Lack of unity of invention
1. <input checked="" type="checkbox"/>	<p>In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> paid additional fees.</li><li><input checked="" type="checkbox"/> paid additional fees under protest and, where applicable, the protest fee.</li><li><input type="checkbox"/> paid additional fees under protest but the applicable protest fee was not paid.</li><li><input type="checkbox"/> not paid additional fees.</li></ul> <p><b>Applicant's Reaction</b></p>
2. <input type="checkbox"/>	<p>This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.</p>
3. <input type="checkbox"/>	<p>This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is</p> <ul style="list-style-type: none"><li><input type="checkbox"/> complied with.</li><li><input checked="" type="checkbox"/> not complied with for the following reasons:</li></ul> <p>D1 (JP 987654 A) discloses an apparatus including "A". Therefore, claim 1 lack novelty over D1 and involves no special technical features. Thus there are 2 inventions in the claims of this application. Note that claim 1, which involves no special technical features, is grouped into invention 1.</p> <p>(invention 1) claim 1-7, 9-15 (invention 2) claim 16-20</p> <p><b>Basis</b></p>
4. <input type="checkbox"/>	<p>Consequently, this opinion has been established in respect of the following parts of the international application:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> all parts.</li><li><input checked="" type="checkbox"/> the parts relating to claims Nos. 1-7, 9-20</li></ul> <p><b>Result</b></p>

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### C. Written Opinion of the International Searching Authority(WOISA)

#### ■ Reasoned Statement and Citations

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	9-20	YES
	Claims	1-7	NO
Inventive step (IS)	Claims	14-20	YES
	Claims	1-7, 9-13	NO
Industrial applicability (IA)	Claims	1-7, 9-20	YES
	Claims		NO

	N	IS	IA
Claims 1-7	No	No	Yes
Claims 9-13	Yes	No	Yes
Claims 14-20	Yes	Yes	Yes

Claim 8 has not been searched

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#### 2. Citations and explanations:

D1: JP 2010-987654 A (PCT SYSTEM CORP)  
2010.10.07, paragraphs [0026]-[0030]  
& US 6543210 A, column 5, lines 5-30

D2: JP 2009-111111 A (INDUSTRIAL PROPERTY INC)  
2009.09.28, Claim 1, Figure 1  
& WO 2007/222222 A1

D3: JP 4321567 B2 (PATEMARU COMPANY)  
2006.02.20, the whole document  
(Family: none)

D4: Microfilm of the specification and drawings annexed  
to the written application of Japanese Utility Model  
Application No. 222222/1992 (Laid-open No. 111111/1993)  
(UTILITY MODEL INC),  
1993.07.01, the whole document,  
(Family: none)

**citations**

The subject matters of claim 1-7 are not novel and do not involve an inventive step in view of D1 (see paragraph [0026]-[0030], figure 7) cited in the ISR.

The subject matters of claim 9-13 do not appear to involve an inventive step in view of D1 and D2 (see claim 1, figure 1) cited in the ISR. Employing the feature [...A...] disclosed in D2 to the invention of D1 in order to constitute the present invention would have been easily conceived by the person skilled in the art.

The subject matters of claim 14-20 are neither disclosed in any of the documents cited in the ISR nor obvious to a person skilled in the art. None of the prior art documents cited in the ISR describes [...B...], and it was not obvious for the person skilled in the art to employ that the technical feature [...B...], which presents advantageous effects in that [...C...].

**explanations**



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#### ■ Certain Defects in the International Application

- In the case when defects exist in the form or contents of the international application.

**Box No. VII**    **Certain defects in the international application**

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

The term [...D...] used in the description (page 12, line 12) is not a technical term.

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#### ■ Certain Observations on the International Application

- the clarity of the claims, the description, and the drawing.
- The question whether the claims are fully supported by the description.

#### Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The feature of claim 7 is not referred to in the description. Therefore, claim 7 is not supported by the description as required by Article 6.

Fig.1 is unclear. That is, it does not adequately indicate the invention of claim 7.