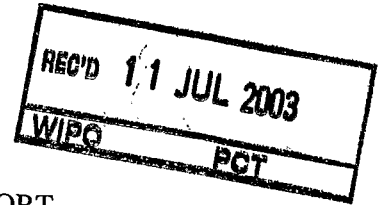


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PIL32PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US01/29619	International filing date (day/month/year) 21 September 2001 (21.09.2001)	Priority date (day/month/year) 22 September 2000 (22.09.2000)
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 1/12 and US Cl.: 600/156, 158, 131		
Applicant PILLING WECK INCORPORATED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:
- I Basis of the report
 - II Priority
 - III Non-establishment of report with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 08 April 2002 (08.04.2002)	Date of completion of this report 19 May 2003 (19.05.2003)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Linda C Dvorak Telephone No. (703) 308-0858

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/29619

I. Basis of the report1. With regard to the **elements** of the international application:*

- the international application as originally filed.
- the description:
 pages 1-10 _____ as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- the claims:
 pages 11-17 _____, as originally filed
 pages NONE _____, as amended (together with any statement) under Article 19
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- the drawings:
 pages 1-9 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____.

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

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

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

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in printed form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

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

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

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

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/29619**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. STATEMENT

Novelty (N)	Claims <u>2-4, 7, 8, 10, 12-15, 17-19, 21, 23, 24</u>	YES
	Claims <u>1, 5, 6, 9, 11, 16, 20, 22</u>	NO
Inventive Step (IS)	Claims <u>2-4, 7, 8, 10, 12-15, 17-19, 21, 23, 24</u>	YES
	Claims <u>1, 5, 6, 9, 11, 16, 20, 22</u>	NO
Industrial Applicability (IA)	Claims <u>1-24</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1, 5, 6, 9, 11, 16, 20 and 22 lack novelty under PCT Article 33(2) as being anticipated by MacAllister (5,016,614).

MacAllister shows an endoscopic instrument for surgery comprising: a tubular sheath (14) extending along a sheath axis, the sheath having an internal passage (280 for receiving a telescope (E), the internal passage extending from a proximal, telescope-receiving opening (16) to a distal tip (34), and a port (40, 42) for connection to suction and irrigation lines; a handle (12) having a manually graspable external surface; a suction valve (connected to 46) within the handle, the suction valve being connectable to a suction line (38) and openable to provide fluid communication between said port and the suction line; an irrigation valve (connected to 44) within the handle, the irrigation valve being connectable to an irrigation line (36) and openable to provide fluid communication between said port and the irrigation line; manually operable controls (44, 46) on the handle for selectively opening the suction and irrigation valves; and a coupling (20, 22) rigidly connecting the handle to the sheath at an intermediate location along the length of the sheath (14) between the proximal opening and the distal tip; wherein the handle is elongated along a handle axis which is oblique relative to the sheath axis, the handle axis forming an acute angle relative to the portion of the sheath axis between the proximal opening of the sheath passage and the intermediate location.

Claims 2-4, 7, 8, 10, 12-15, 17-19, 21, 23 and 24 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest: An endoscopic instrument for surgery comprising: a sheath having an internal fluid passage; a manually graspable handle which is elongated along a handle axis and having upper and lower ends when the handle axis is vertical; a coupling located adjacent the lower end of the handle, the coupling rigidly connecting the handle to the sheath at an intermediate location along the length of the sheath and holding the sheath in oblique relationship to the handle axis; and a projection extending laterally from a location adjacent the upper end of the handle for supporting the instrument by engagement with a portion of a surgeon's hand when the hand is not tightly grasping the handle, including a hook comprising: as a first part thereof, said laterally extending projection, and a second part extending, from the laterally extending projection, alongside the handle in a spaced relation to the handle.