

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference SK04PCT00036		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2004/005030	International filing date (day/month/year) 07.04.2004	Priority date (day/month/year) 07.05.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant SONY 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 or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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

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Box No. I	Basis of this opinion
1.	With regard to the language , this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
<input type="checkbox"/>	This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
a.	type of material
<input type="checkbox"/>	a sequence listing
<input type="checkbox"/>	table(s) related to the sequence listing
b.	format of material
<input type="checkbox"/>	in written format
<input type="checkbox"/>	in computer readable form
c.	time of filing/furnishing
<input type="checkbox"/>	contained in the international application as filed.
<input type="checkbox"/>	filed together with the international application in computer readable form.
<input type="checkbox"/>	furnished subsequently to this Authority for the purposes of search.
3.	<input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:

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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. 19

because:

the said international application, or the said claims Nos. 19

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

The subject matter of claim 19 relates to a scheme per se of playing a game, which does not require an international preliminary examination by the International Preliminary Examining Authority in accordance with PCT Article 34 (4)(a)(i) and Rule 67.1(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.

no international search report has been established for said claims Nos. 19

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

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

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

See Supplemental Box for further details.

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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 <u>1-18</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-18</u>	NO
	Industrial applicability (IA)	Claims <u>1-18</u>	YES
		Claims _____	NO
2. Citations and explanations:	<p>Document 1: JP, 2002-18135, A (K.K. Atlas), 22 January, 2002 (22.01.02), full text, Figs. 1-20 Document 2: JP, 2001-340646, A (Namco Ltd.), 11 December, 2001 (11.12.01), paragraph [0027]</p> <p>The subject matters of claims 1, 4 and 18 do not appear to involve an inventive step in view of documents 1 and 2.</p> <p>Document 1 describes an invention in which a physical change such as the change in the pulse rate, respiration rate, blood pressure, perspiration volume or body temperature of a user is detected for being reflected in a game.</p> <p>Document 2 describes an invention in which plural entrant players are divided into teams in reference to an attribute such as blood group of each player.</p> <p>A person skilled in the art could have easily applied the invention described in document 2 to the invention described in document 1.</p> <p>The subject matters of claims 2 and 3 do not appear to involve an inventive step in view of documents 1 and 2.</p> <p>Informing the result of dividing players into teams to the players is a mere matter that a person skilled in the art could have employed as required, and a person skilled in the art could have decided, as desired, the position where an informing means is installed.</p> <p>The subject matter of claim 5 does not appear to involve an inventive step in view of documents 1 and 2.</p> <p>In the invention described in document 1, a sensor for detecting a physical change is installed at the grip portion of a joystick.</p> <p>The subject matter of claim 6 does not appear to involve an inventive step in view of documents 1 and 2.</p> <p>Temporarily storing the information concerning a physical change in a storing medium and reflecting the information read from the storing medium into a game in the invention described in document 1, is a mere matter that a person skilled in the art could have employed as required.</p> <p>The subject matters of claims 7-9 and 11-14 do not appear to involve an inventive step in view of documents 1 and 2.</p> <p>Claims 7-9 and 11-14 merely describe a method of using a game apparatus consisting of respective means and do not restrict the subject matter of claim 1.</p> <p>The subject matter of claim 10 does not appear to involve an inventive step in view of documents 1 and 2.</p>		

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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

In the inventions of documents 1 and 2, plural sensors for detecting physical changes are of course installed, and in this case, players are divided into teams in reference to the correspondence between the respective players and the information concerning the physical changes of the respective players.

The subject matters of claims 15-17 do not appear to involve an inventive step in view of documents 1 and 2.

Carrying out the inventions of documents 1 and 2 by communication among plural game apparatuses (and server devices) is a mere matter that a person skilled in the art could have employed as required, and in this case, a person skilled in the art could have decided, as desired, the apparatus used for dividing into teams.

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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:

Claim 10 describes “the said team judging means, to which the said players belong respectively in response to the results of analysis made by the said vital information analyzing means on the vital information (1) obtained from the said vital information acquiring means and (2) made to correspond by the said correspondence specifying means.” In this description, it is unknown what is to be done in response to the results of analysis.