

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 G 5367 pct		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/CH2004/000351	International filing date (day/month/year) 10.06.2004	Priority date (day/month/year) 13.06.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant KÜNKEL-WAGNER SLS SWISSPOUR AG		

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

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	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
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	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/EP	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. II	Priority
1.	<input checked="" type="checkbox"/> The following document has not yet been furnished: <input checked="" type="checkbox"/> copy of the earlier application whose priority has been claimed (Rule 43 <i>bis</i> .1 and 66.7(a)). <input type="checkbox"/> translation of the earlier application whose priority has been claimed (Rule 43 <i>bis</i> .1 and 66.7(b)). Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2.	<input type="checkbox"/> 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 <i>bis</i> .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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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)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="border-bottom: 1px solid black;">1-8</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-8	YES	Claims		NO	
Claims	1-8	YES							
Claims		NO							
	Inventive step (IS)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="border-bottom: 1px solid black;">1-8</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-8	YES	Claims		NO	
Claims	1-8	YES							
Claims		NO							
	Industrial applicability (IA)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Claims</td> <td style="border-bottom: 1px solid black;">1-8</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-8	YES	Claims		NO	
Claims	1-8	YES							
Claims		NO							
2.	Citations and explanations:								
	<p>1 The present report makes reference to the following documents:</p> <p style="margin-left: 40px;">D1: DE 40 28 918 A (MUELLER WEINGARTEN MASCHF) 19 March 1992 (1992-03-19)</p> <p style="margin-left: 40px;">D2: WO 99/00205 A (LAUPER FRITZ) 7 January 1999 (1999-01-07)</p> <p style="margin-left: 40px;">D3: PATENT ABSTRACTS OF JAPAN Vol. 1998, No. 02, 30 January 1998 (1998-01-30) -& JP 9 277025 A (KOMUTAAZU KK; NIPPON YUSOKI CO LTD) 28 October 1997 (1997-10-28)</p> <p>2 Document D1 is considered the closest prior art. It discloses (the references between parentheses apply to this document) a casting robot (column 2, line 42) with a foundry ladle (9) suspended from a sluing mechanism (7) and with a weighing device (22) between the sluing mechanism and the foundry ladle for weighing the metal melt in the foundry ladle.</p> <p style="margin-left: 40px;">Document D1 differs from the subject matter of independent claim 1 in that no details are provided with regard to the technical design of the measuring</p>								

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device - corresponding to the characterizing part of claim 1.

2.1 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem to be solved by the present invention can thus be seen as that of providing a solution to the technical design.

2.2 The solution to this problem as proposed in the characterizing part of claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

Document D2 describes technical details of the casting robot. In this document, the foundry ladle is suspended from a suspension plate (20); the use of a weighing device is not described.

Although the weighing device according to document D3 corresponds to the design according to the characterizing part of claim 1 (receiving plate, measuring cell, retaining plate), it is not disposed between the foundry ladle and the sluing mechanism, but rather between the sluing mechanism and lifting device.

Therefore, neither D2 nor D3 suggests the design according to claim 1.

2.3 Claims 2-8 are dependent upon claim 1 and thus likewise satisfy the PCT requirements for novelty

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and inventive step.