

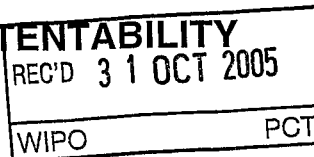
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference KLLMS/41052	FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/GB2004/003218	International filing date (day/month/year) 23.07.2004	Priority date (day/month/year) 23.07.2003
International Patent Classification (IPC) or national classification and IPC E04G21/18, E04G21/00		
Applicant BARRON, Maurice		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. sent to the applicant and to the International Bureau a total of sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report 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 Article 35(2) 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

Date of submission of the demand 27.01.2005	Date of completion of this report 02.11.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Andlauer, D Telephone No. +31 70 340-



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003218

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(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):*

Description, Pages

1-11 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. The amendments have resulted in the cancellation of:
- the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below 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)).
- the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003218

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1 Reference is made to the following documents:

- D1: US-A-5 253 839 (MCCLURE ALEX R) 19 October 1993 (1993-10-19)
- D2: GB 680 308 A (BECORIT GRUBENAUSSBAU GMBH) 1 October 1952 (1952-10-01)
- D3: AU 753 074 B (ASHBY GREGORY ERIC JOHN) 10 October 2002 (2002-10-10)
- D4: "Brauer Clamping Products" September 2001 (2001-09), BRAUER , MILTON KEYNES , XP002302050
- D5: DE 76 33 286 U (SCHROER OTTO) 14 April 1977 (1977-04-14)
- D6: GB-A-1 234 390 (ANTHONY DAVID WILSON GOOD) 3 June 1971 (1971-06-03)
- D7: US-A-3 883 106 (SIMONSEN OLE FINN) 13 May 1975 (1975-05-13)

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not seem to involve an inventive step in the sense of Article 33(3) PCT.

2.2 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A [removable reusable] frame [for defining an opening in a wall], said frame comprising a first vertical member (for instance (17) on the left of fig. 1) [defining a first lateral extremity of the opening], a second vertical member (for instance (17) on the left of fig. 1) [defining a second lateral extremity of the opening], more horizontal links (25, 27, 49) that are of adjustable length interconnecting the second vertical member (17) to the first vertical member (17) and locking means (29, 47) [for securing the position of a first part of each link relative to a second part of each link], the locking means comprising a releasable clamp that has a base secured to the first part (the base is actually the wall of the external arm (25, 27, 49) on the left of fig. 1) and has an arm (shaft of the bolt (29, 47)) that carries a clamping member (tip of the bolt (25, 27, 49) [that can engage the second part of each link and clamp onto the second part and thereby lock them together].

It is noted that the expressions in square brackets are non-distinctive characteristics of intended use (cf. PCT Guidelines 5.23 and 12.05) of the frame, for which the device of D1 is perfectly suitable as it is actually used for the same purpose.

- 2.4 The subject-matter of claim 1 therefore differs from this known frame in that the clamp is a "snap clamp".
- 2.5 First of all, it is noted that this term "snap clamp" is unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers (does it mean that the clamp makes a sharp noise when locked and/or released; or does mean that its locking and/or releasing is combined with an abrupt motion?), thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT. The applicant could not rely on this term alone to distinguish the claimed invention from the prior art (cf. PCT Guidelines 5.34).
- 2.6 It is furthermore noted that the that the entire contents of the application are such as to convey the impression that a "snap clamp" is a device as shown on fig. 4 or which features are described on p.7/l.17-p.8/l.6 or in claim 5, with no intimation that alternative means are envisaged. The expression "snap clamp" should therefore be clarified, for instance by the features of claim 5 (cf. PCT Guidelines 5.56). It is noted that although the device shown in fig. 4 is indeed a particular example of a "toggle clamp", the term "toggle clamp" for indicating this generic concept of clamp is not present in the application as filed.
- 2.7 The problem to be solved by the present invention may however still be regarded as providing an alternative clamping means securing the relative position of the parts of the link.
- 2.8 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.
- 2.9 The feature of a "snap clamp" is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. The skilled person would consider the clamps disclosed in:
- D2, fig. 1 which discloses a toggle clamp used for securing the relative

position of two telescoping parts (on a device which is also known to the man skilled in the art in the field of construction); or

- p.84-86 of D4 (which disclose clamps which are similar to the one described on p.7/l.17-p.8/l.6, claim 5 and fig. 4 of the application); or
- D5, fig. 2 and 3 (which seems to fall within the broadest possible scope of the expression "snap clamp", as its release is combined with an abrupt motion);

as such a possibility.

3.1 The dependent claim do not contain any features which, in combination with the features of any claim to which they refer, seem to meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

- D1 already discloses the features of claims 2, 3, 4, 7, 8, 9;
- D4 already discloses the features of claim 5;
- D3 already discloses the features of claim 6.

3.2 It is furthermore unclear which non-obvious combinatory effect could be obtained by the combination of the features of claims 1-9 which would be above the addition of the normal effects obtained by each feature on its own.