

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|  |   |   |                  |
|--|---|---|------------------|
| Applicant's or agent's file reference<br>S10324WO01  | <b>FOR FURTHER ACTION</b>   |   | See item 4 below |
| International application No.<br>PCT/JP2004/013991   | International filing date ( <i>day/month/year</i> )<br>16 September 2004 (16.09.2004) | Priority date ( <i>day/month/year</i> )<br>25 September 2003 (25.09.2003) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |   |   |                  |
| Applicant<br>SUMITOMO CHEMICAL COMPANY, LIMITED  |   |   |                  |

|  |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
|--|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>  |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <p>3. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> | Box No. I   | Basis of the report | <input 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 Article 35(2) 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 |
| <input checked="" type="checkbox"/>  | Box No. I                           | Basis of the report   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input 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 Article 35(2) 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   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |

|   |  |
|---|--|
|   | Date of issuance of this report<br>26 June 2006 (26.06.2006) |
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland | Authorized officer<br><br><b>Masashi Honda</b>               |
| Facsimile No. +41 22 338 82 70  | e-mail: pt08@wipo.int  |

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<br><b>S10324W001</b>                        |   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below  |  |
| International application No.<br><b>PCT/JP2004/013991</b>                         | International filing date (day/month/year)<br><b>16.09.2004</b> | Priority date (day/month/year)<br><b>25.09.2003</b> |  |
| International Patent Classification (IPC) or both national classification and IPC |   |   |  |
| Applicant<br><b>SUMITOMO CHEMICAL COMPANY, LIMITED</b>                            |   |   |  |

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.      |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/013991

| Box No. I                | Basis of this opinion   |
|--------------------------|---|
| 1.                       | With regard to the <b>language</b> , 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 <b>nucleotide and/or amino acid sequence</b> 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:  |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/013991

| 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: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">3, 5-11</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;">1, 2, 4</td> <td style="text-align: right;">NO</td> </tr> </table> | Claims | 3, 5-11 | YES | Claims | 1, 2, 4 | NO |  |
| Claims    | 3, 5-11   | YES   |        |         |     |        |         |    |  |
| Claims    | 1, 2, 4   | NO  |        |         |     |        |         |    |  |
|           | Inventive step (IS)   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">3, 5-11</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;">1, 2, 4</td> <td style="text-align: right;">NO</td> </tr> </table> | Claims | 3, 5-11 | YES | Claims | 1, 2, 4 | NO |  |
| Claims    | 3, 5-11   | YES   |        |         |     |        |         |    |  |
| Claims    | 1, 2, 4   | NO  |        |         |     |        |         |    |  |
|           | Industrial applicability (IA)   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-11</td> <td style="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 | 1-11    | YES | Claims |         | NO |  |
| Claims    | 1-11  | YES   |        |         |     |        |         |    |  |
| Claims    |   | NO  |        |         |     |        |         |    |  |
| 2.        | Citations and explanations:   |   |        |         |     |        |         |    |  |
|           | <p>Document 1: JP 59-169505 A (President of Gunma University) 25 September 1984, page 2, lower left column, last line to page 3, upper right column, two lines from the bottom (Family: none)</p> <p>Document 2: JP 4-225802 A (BP America Inc.) 14 August 1992, claim, paragraphs 0017-0027 &amp; US 5092983 A &amp; EP 471900 A1</p> <p>Document 3: JP 2003-183248 A (Sumitomo Chemical Industries Co., Ltd.) 03 July 2003, paragraphs 0009-0019 &amp; WO 2003/051929 A1</p> <p>Document 4: JP 2003-261552 A (Sumitomo Chemical Industries Co., Ltd.) 19 September 2003, paragraphs 0002 and 0009 (Family: none)</p> <p style="margin-left: 40px;">Because the inventions described in claims 1, 2, and 4 are described in document 1 cited in the ISR (page 2, lower left column, last line to page 3, upper right column, two lines from the bottom), they do not appear to possess novelty and to involve an inventive step. Document 1 describes an invention which mixes a butyric acid solution and water to form an emulsion and to separate these.</p> <p style="margin-left: 40px;">The inventions described in claims 3, 5-11 appear to possess novelty and to involve an inventive step over the documents cited in the ISR. None of the documents describe a step whereby the target substance is recovered from the emulsion and this would not be obvious to a person skilled in the art.</p> |   |        |         |     |        |         |    |  |