

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) **06.05.2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/MX2005/000002

International filing date (day/month/year)
10.01.2005

Priority date (day/month/year)
09.01.2004

International Patent Classification (IPC) or both national classification and IPC
C05G3/00, C09K17/00

Applicant
RAVELERO VÁZQUEZ, Adán

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/ES

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/MX2005/000002

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:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/MX2005/000002
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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	2, 15	YES												
	Claims	1, 3-14, 16-18	NO												
Inventive step (IS)	Claims		YES												
	Claims	1-18	NO												
Industrial applicability (IA)	Claims	1-18	YES												
	Claims		NO												
2. Citations and explanations:															
Documents taken into consideration:															
<table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <thead> <tr> <th style="width: 10%;">Doc</th> <th style="width: 60%;">Publication or Identification No</th> <th style="width: 30%;">Pub. date</th> </tr> </thead> <tbody> <tr> <td>D1</td> <td>GB 1591415 A</td> <td>24 June 1981</td> </tr> <tr> <td>D2</td> <td>ES 2131395 T</td> <td>16 July 1999</td> </tr> <tr> <td>D3</td> <td>CA 2038719 A</td> <td>24 September 1991</td> </tr> </tbody> </table>				Doc	Publication or Identification No	Pub. date	D1	GB 1591415 A	24 June 1981	D2	ES 2131395 T	16 July 1999	D3	CA 2038719 A	24 September 1991
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D1	GB 1591415 A	24 June 1981													
D2	ES 2131395 T	16 July 1999													
D3	CA 2038719 A	24 September 1991													
<p>The present invention relates to an organic soil composition and to a method of obtaining it from a mixture of black soil (20-60%), ground pumice with a particle size of between 0.08 and 1.58 mm (15-25%), fibre (20-60%), organic fertilizer of animal origin (less than 11% in the composition) and a polymeric moisture retention agent.</p> <p>LACK OF NOVELTY. PCT Article 33(2).</p> <p>Document D1 discloses a soil composition obtained by mixing 45% peat, 10% pumice, 40% wood and bark chips, fertilizer and a copolymer which acts by improving the moisture retention capacity of the composition (see page 38, example 13). This polymer is obtained from corn starch, acrylonitrile, potassium hydroxide and an acid in</p>															

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/MX2005/000002

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

order to neutralize and regulate the pH (see page 4, lines 20-32).

Therefore, claims 1, 4-14, 16-18 of the application lack novelty based on the disclosure of D1.

Document D2 discloses a composition for the nutritious layer of a grass sward comprising 40-50% of volcanic gravel, 10-15% of ground pumice with a particle size of between 0.5 and 1.5 mm, green vegetable compost with a fibre content of 25-37%, 8-12% sterilized manure and granular pumice which confers on the composition a significant moisture retention capacity.

Therefore, claims 1, 3, 6, 7, 9-14 of the application lack novelty in relation to D2.

Document D3 discloses a composition for plant cultivation obtained by mixing between 20-70% peat, 10-40% pumice, 20-60% rock wool, 0.1-2% fertilizer and vermiculite, to improve the moisture retention capacity of the cultivation soil in question (see pages 4-6).

Therefore, claims 1, 6 and 12 of the application lack novelty based on the disclosure of D3.

Therefore, claims 1, 3-14, 16-18 of the application lack novelty based on the disclosure of D1-D3.

LACK OF INVENTIVE STEP. PCT Article 33(3).

In relation to claims 2, 15 of the application relating

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/MX2005/000002

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
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to the choice of coconut or agave fibre as fibrous material in the soil composition, this is considered to lack an inventive step since it would be an option that a person skilled in the art would consider without thereby involving an inventive step.

Therefore, claims 2 and 15 of the application lack an inventive step based on the disclosure of D1-D3.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/MX2005/000002

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The units of measurement and density used in claims 9-11, 14 and pages 8, 9 and 11 of the description have not been also expressed in terms of the units required by PCT Rule 10.1(a).

Contrary to the requirements of PCT Rule 5.1(a)(iii), the description is not consistent with the claims. Claims 3, 8, 12, 13, 16 and 18 are not supported by the description.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/MX2005/000002

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:

Claims 1, 3, 6, 12, 16 and 18 suffer from a lack of clarity (PCT Article 6) for the following reasons:

The use of the terms "jal soil" and "agri-friendly" bacteria is confusing and leaves the reader in doubt as to the meaning of the technical features to which they refer.