

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
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Date of mailing
(day/month/year) **13 JUN 2007**

Applicant's or agent's file reference
2393-00101

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US06/08862

International filing date (day/month/year)
14 March 2006 (14.03.2006)

Priority date (day/month/year)
14 March 2005 (14.03.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC: **G06G 7/48** (2006.01)
USPC: 703/6

Applicant
HOLOMAR, INC.

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/ US
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Commissioner for Patents
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Date of completion of this opinion
18 April 2007 (18.04.2007)

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US06/08862

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
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) 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

- a sequence listing
- table(s) related to the sequence listing

b. format of material

- on paper
- in electronic form

c. time of filing/furnishing

- contained in the international application as filed.
- filed together with the international application in electronic form.
- furnished subsequently to this Authority for the purposes of search.

3. 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
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International application No.
PCT/US06/08862

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>4-7,10,16-19,22,30,32</u>	YES
	Claims <u>1-3,8-9,11-15,20-21,23-29,31</u>	NO
Inventive step (IS)	Claims <u>4,16,30</u>	YES
	Claims <u>1-3,5-15,17-29,31-32</u>	NO
Industrial applicability (IA)	Claims <u>1-32</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-3,8-9,11-15,20-21,23-29,31 lack novelty under PCT Article 33(2) as being anticipated by FELD, US Patent Application 20010026272 (4 October 2001). FELD teaches retrieving a first model representing an object, a user controlling access to the first model; retrieving a second model representing a product offered by a product provider; combining, at the request of the user, the first and second models, the combining performed as a first service by a service provider, the first service comprising computing a simulated physical interaction between the object and the product; generating a representation of the simulated physical interaction; and presenting the representation to the user.

Claims 5-7, 17-19 lack an inventive step under PCT Article 33(3) as being obvious over FELD, US Patent Application 20010026272 (4 October 2001) in view of OWA, US Patent Application 20020040327 (4 April 2002). FELD teaches the limitations recited above. OWA teaches the product is offered free of charge, the first service is offered free of charge, and charging the product provider for a model storage service, and the service provider charges the product provider for the first service.

Claims 10 and 22 lack an inventive step under PCT Article 33(3) as being obvious over FELD, US Patent Application 20010026272 (4 October 2001) in view of William Stallings, *Cryptography and Network Security: Principles and Practice*, second edition, 1999, page 166, figure 6.1. FELD teaches the limitations recited above. STALLINGS teaches storing the first model on a non-volatile storage device under control of the user, wherein model data is encrypted, and wherein the key to decrypt the model data is under control of the service provider.

Claim 32 lacks an inventive step under PCT Article 33(3) as being obvious over FELD, US Patent Application 20010026272 (4 October 2001) in view of VOCK, US Patent Application 20030101105 (29 May 2003), figures 1 and 2. FELD teaches the limitations recited above. VOCK teaches a scanning center, wherein data regarding the dimensions and visual characteristics of the user's body is collected, and wherein the data is used to create a model of the users body.

Claims 4, 16 and 30 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the product offered is a second service comprising one or more actions taken with respect to the object, and wherein the simulated physical interaction comprises effects of the one or more actions on the object.

Claims 1 - 32 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.