

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 3200.P0018WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2006/001878	International filing date (<i>day/month/year</i>) 19 January 2006 (19.01.2006)	Priority date (<i>day/month/year</i>) 13 April 2005 (13.04.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant PULLMAN INDUSTRIES, INC.			

<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 8 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> <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 checked="" 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 checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

	Date of issuance of this report 16 October 2007 (16.10.2007)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2006/001878

International filing date (day/month/year)
19.01.2006

Priority date (day/month/year)
13.04.2005

International Patent Classification (IPC) or both national classification and IPC
INV. B62D25/20 B62D33/06

Applicant
PULLMAN INDUSTRIES, 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 usually 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.

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Date of completion of this opinion

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/001878

Box No. 1 Basis of the 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 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/US2006/001878

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)	Yes: Claims	2-19
	No: Claims	1
Inventive step (IS)	Yes: Claims	2-19
	No: Claims	1
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	-

2. Citations and explanations

see separate sheet

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:

see separate sheet

Re Item V

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

1 Reference is made to the following documents:
D1 : US 6 644 721 B1 (MISKECH PETER ET AL) 11 November 2003 (2003-11-11)

2 INDEPENDENT CLAIM 1

2.0 As far as the subject-matter of claim 1 can be understood (see Re Item VIII), a novelty and inventive step assessment thereof is hereafter provided:

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document):

"a vehicle box assembly having a large horizontal floor, and right and left upright side panels (14, 16) joined to and projecting upwardly adjacent opposite lengthwise extending side edges of said floor (18), wherein said floor and said side panels are, in their entirety, defined by two similar L-shaped panel members (fig. 3, 14 and 18 right) each defining one of said side panels (14) and each having a floor section (18 right) which is integrally and monolithically joined to the respective side panel (col. 4, l. 28-33) and extending generally perpendicularly therefrom, the floor sections of said two panel members having lengthwise extending free edge portions (121, 123) which are directly joined together in the lengthwise extent of the floor."

3 DEPENDENT CLAIMS 2-8

The combination of the features of dependent claims 2-8 are neither known from, nor rendered obvious by, the available prior art for the main reason that L-shaped roll-formed panels are not to be found in the available prior art.

4 INDEPENDENT CLAIM 9

- 4.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

"a process for forming an upwardly-opening vehicle box assembly having a generally horizontal floor, and right and left inner side walls (14, 16) fixed to and projecting upwardly adjacent opposite side edges of said floor (18)."

From this, the subject-matter of independent claim 9 differs in that the process comprises the step of:

- "- providing a rolling mill having a plurality of rolling stages disposed along a forming path;
- supplying a thin but wide and substantially continuous metal sheet into and through said rolling mill to progressively deform the flat sheet into a three-dimensional profile so that the substantially continuous deformed sheet exiting the rolling mill has first and second sheet portions disposed in adjacent side-by-side relationship with said first portion having a generally flat edge part extending lengthwise along one edge of said sheet and at least one transversely
- projecting reinforcing channel extending lengthwise in inwardly spaced relationship from said edge part, and said second portion having a roll-formed channel-like edge rail extending lengthwise along the other edge of the sheet;
- transversely severing the deformed continuous sheet after exiting said rolling mill to define a series of discrete but generally flat blanks of determined length each having said first and second sheet portions extending lengthwise thereof in side-by-side relation;
- forming a wheel-well opening through said blank with said opening extending sidewardly into both of said first and second sheet portions, but spaced inwardly from the lengthwise extending edges of the blank;
- transversely bending said blank about a lengthwise extending region defined between said first and second sheet portions so that said first and second sheet portions project in substantially perpendicular relationship to one another so as to define an integrated, monolithic, one-piece side/floor panel member which is

generally L-shaped in cross-section;

- providing first and second said L-shaped side/floor panel members for respectively defining right and left sides of the box assembly;
- positioning the first and second L-shaped side/floor panel members in closely adjacent side-by-side relationship wherein the first sheet portions thereof are generally coplanar and the edge parts thereof overlap, and wherein the second sheet portions are disposed outermost in opposed and generally facing relationship; and then
- joining the first and second L-shaped side/floor panel members in fixed relationship to one another so that the first sheet portions as positioned adjacent one another define the floor and the second sheet portions define the opposite side walls of the box assembly."

- 4.2 The subject-matter of claim 9 is therefore novel (Article 33(2) PCT) The problem to be solved by the present invention may be regarded as to provide improved roll-formed component parts for a vehicle box assembly having better characteristics with regard to construction, assembly and cost efficiency.
- 4.3 The solution to this problem proposed in claim 9 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reason that use roll-formed flat blanks in order to build L-shaped side panels of a box assembly after bending these blanks and creating openings inwardly for the wheel wells is not known nor rendered obvious by the current state of the art.
- 4.4 Claims 10-19 are dependent on claim 9 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

- 1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII

Certain observations on the international application

1 CLARITY

1.1 The subject-matter of claim 1 is not clear (Article 6 PCT) for the following reasons:

- i. the wording used in lines 7 and 8 of claim 1: "... a floor section which is integrally and monolithically joined to the respective side panel..." gives the impression that the L-shaped side panels are made of two separate parts which is joined together to form a monolithic part. This interpretation is the one used for the purpose of assessing novelty and inventive step, therewith allowing to find this feature in the document D1.
- ii. claim 1 misses an essential technical feature for the definition of this invention as can be understood throughout the reading of the description, for instance, in the paragraphs 11 to 14 where it is clear that the L-shaped side panels are made each from (one-piece) roll-formed panels. This essential feature is not to be found in claim 1 thereby rendering it unclear and not supported by the description. Therefore claim 1 in its interpretation for this assessment of novelty and inventive step was not considered as involving the presence of these type of panels.

1.2 The unit "psi" employed on page 5 is not recognized in international practice, contrary to the requirements of Rule 10.1(d) PCT.

2 REMARKS

The attention is drawn to the fact that claim 9 appears to present the invention as described in the description and introduces also a subject-matter which is clearly different than what is to be found in the state of the art.