

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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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/GB2006/002368

International filing date (day/month/year)
27.06.2006

Priority date (day/month/year)
27.06.2005

International Patent Classification (IPC) or both national classification and IPC
INV. G01N21/35

Applicant
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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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this opinion

see form
PCT/ISA/210

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Box No. I 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/GB2006/002368

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	3-7, 9-11, 13-20, 22-25
	No: Claims	1, 2, 8, 12, 21
Inventive step (IS)	Yes: Claims	1-25
	No: Claims	-
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	-

2. Citations and explanations

see separate sheet

Section V: Novelty, inventive step and industrial applicability

1 Prior art

1.1 Reference is made to the following documents:

D1	JP 10213481 A	(TOPPAN)
D2	JP 2002243550 A	(MINOLTA)

2 Novelty - Article 33(2) PCT

2.1 The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of Claims 1, 2, 8, 12 and 21 is not new in the sense of Article 33(2) PCT.

2.2 Document D1 discloses (the figures in parentheses applying to this document):

A method of determining the concentration of at least one component in a liquid sample, the method comprising the steps of:

- directing light (48 figure 1) from a light source into an integrating sphere (52 figure 1);
- mounting a sample holder (8 figure 1) containing the liquid sample to or adjacent the integrating sphere (52 figure 1);
- exposing the sample to the light;
- withdrawing light from the sphere (56 figure 1);
- performing a spectral analysis (table 1) on the light to provide data relating to the intensity of light at least at certain predetermined wavelengths;
- processing the data from the spectral analysis (figure 3) to determine the presence of and concentration of said at least one component and;
- displaying or printing information (figure 3) generated during the processing step.

2.3 The subject-matter of Claim 1 is therefore not new.

2.4 Document D2 discloses (the figures in parentheses applying to this document):

An apparatus for performing spectral analysis of a liquid sample, the apparatus comprising:

- an integrating sphere (200 figure 7), the integrating sphere having a light inlet (204 figure 7) and a light outlet (202 figure 7) and having an aperture spaced from the light inlet to receive a sample container (221 figure 7) to expose a sample in the sample container to light in the integrating sphere (200 figure 7), a part of the sample container having a light reflective (221 figure 7) or a light absorbent property.

2.5 The subject-matter of Claim 21 is therefore not new.

2.6 D1 also discloses that the light has a predetermined range (paragraph [036]), that light passes through the sample before entering the integrating sphere (figure 1) and that the liquid is opaque to at least part of the frequency spectrum of the light (figure 3).

2.7 The subject-matter of independent Claims 2, 8 and 12 is therefore also not new (Article 33(2) PCT).