

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire	POUR SUITE À DONNER	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2006/001329	Date du dépôt international (<i>jour/mois/année</i>) 13 June 2006 (13.06.2006)	Date de priorité (<i>jour/mois/année</i>) 28 June 2005 (28.06.2005)
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant LARGE, André		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion
<input type="checkbox"/>	Cadre n° II	Priorité
<input type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle
<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention
<input checked="" type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration
<input type="checkbox"/>	Cadre n° VI	Certains documents cités
<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale
<input type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport 05 February 2008 (05.02.2008) Fonctionnaire autorisé <p style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</p> e-mail: pt03.pct@wipo.int
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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) **See form PCT/ISA/210**

Applicant's or agent's file reference		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2006/001329	International filing date (day/month/year) 13.06.2006	Priority date (day/month/year) 28.06.2005
International Patent Classification (IPC) or both national classification and IPC H02K41/06		
Applicant LARGE, André		

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/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).</p>
2.	<p>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:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed</p> <p><input type="checkbox"/> filed together with the international application in electronic form</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search</p>
3.	<p><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.</p>
4.	<p>Additional comments:</p>

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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	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">Novelty (N)</td> <td style="width: 10%; padding: 2px;">Claims</td> <td style="width: 60%; border-bottom: 1px solid black;"></td> <td style="width: 10%; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims</td> <td style="border-bottom: 1px solid black;">1-6</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Inventive step (IS)</td> <td style="padding: 2px;">Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims</td> <td style="border-bottom: 1px solid black;">1-6</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Industrial applicability (IA)</td> <td style="padding: 2px;">Claims</td> <td style="border-bottom: 1px solid black;">1-6</td> <td style="padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="padding: 2px;">NO</td> </tr> </table>	Novelty (N)	Claims		YES		Claims	1-6	NO	Inventive step (IS)	Claims		YES		Claims	1-6	NO	Industrial applicability (IA)	Claims	1-6	YES		Claims		NO
Novelty (N)	Claims		YES																						
	Claims	1-6	NO																						
Inventive step (IS)	Claims		YES																						
	Claims	1-6	NO																						
Industrial applicability (IA)	Claims	1-6	YES																						
	Claims		NO																						
2. Citations and explanations:	<p>Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: US-B1-6 369 477 (BONIN RICHARD L) 9 April 2002 (2002-04-09)</p> <p style="margin-left: 40px;">D2: FR-A-2 554 650 (GILLONNIER JULIEN) 10 May 1985 (1985-05-10)</p> <p style="margin-left: 40px;">D3: PATENT ABSTRACTS OF JAPAN vol. 013, No. 323 (E-791), 21 July 1989 (1989-07-21) & JP 01 089953 A (SHIBAURA ENG WORKS CO LTD), 5 April 1989 (1989-04-05)</p> <p style="margin-left: 40px;">D4: PATENT ABSTRACTS OF JAPAN vol. 017, No. 351 (E-1392), 2 July 1993 (1993-07-02) & JP 05 049231 A (MITSUBISHI HEAVY IND LTD), 26 February 1993 (1993-02-26)</p> <p style="margin-top: 20px;">V.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1-6 does not meet the requirement of novelty defined in PCT Article 33(2).</p> <p style="margin-top: 20px;">V.1.1 Documents D1, D2, D3 and D4 disclose respectively a motor device for converting an electric current into a rotary movement (D1: figures 1, 2; D2 figures 1, 2; D3: figures 1, 2; D4: figures 1, 2), this device having two</p>																								

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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

separate parts (D1: 12, 24; D2 5, 6, 2, 1, 6;; D3;; D4:) each able to generate or be subjected to magnetic or electromagnetic fields by means of windings (D1: 18; D2: 4; D3;; D4:) forming U-shaped electromagnets, the rotor (D1: 24; D2: 5, 6, 2, 1; D3;; D4:) having a component (D1: 24; D2: 5; D3;; D4:) that is moveable about a rotor shaft and the rotor and said associated rotor shaft having an orbital movement about an axis (D1: column 4, lines 52-61; D2: claim 1; D3: first 2 lines of the abstract "Construction"; D4: figures 3, 4 and last 3 lines of the abstract), and the component of said rotor having a movement about its rotor axis shaft and about the orbital axis.

The subject matter of claim 1 is therefore not novel.

V.1.2 Dependent claims 2-6 do not contain any feature which, in combination with the features of any one of the claims to which they refer, meet the requirements of the PCT in respect of novelty, because the corresponding features are also known from the aforementioned documents:

- Claim 2: D1, column 3, line 41; D4; penultimate line of abstract
- Claim 3: D1, figure 5; D2, page 2, lines 6-10; D4. figure 1
- Claim 4: D1, column 3, lines 44-57
- Claim 6: D1-D4

For claim 5, see Section VIII.3 below.

V.2 Furthermore, the features of claim 4 are in

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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

themselves commonplace and their inclusion in one of the devices described above cannot be considered to involve an inventive step.

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:

The application fails to comply with the requirements of PCT Article 6 since claims 1-6 are not clear.

VIII.1 Claim 1 is not clear because it is impossible to tell from its wording how to interpret the expression between parentheses "axe orbite" ("orbital axis").

VIII.2 According to the wording of claim 1, a first moveable component is defined that has orbital motion (see line 10), since it forms part of the rotor which itself has an orbital movement (see lines 11-12), and a second moveable component is also defined (see line 13), which is also part of the rotor and is moveable about the rotor shaft and about the orbital axis. This conflicts with the only illustrative embodiment of the description which defines only one component corresponding to these two definitions (see page 2, lines 29-31 and figure 2), and not two different components.

VIII.3 In claim 1, the expression "linked in a synchronised movement" has no clear technical meaning and moreover it is impossible to determine from the wording of the claim which parts of the device are linked - the rotor, the moveable components and/or the stator.

VIII.4 It is impossible to tell from the words "can"/"may" whether the feature following this expression is a structural feature of the device or whether it is an option describing an alternative within the claim (see claim 1, "... an axis shaft which *may* be linked ...").

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Box No. VIII Certain observations on the international application

VIII.5 The feature of claim 5 is not technically clear.

VIII.6 Claim 1 and also the description (see page 2, 24) define a component "SY": this reference does not appear in the figures. This makes the claim unclear.