

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/US2006/025314	International filing date (day/month/year) 29.06.2006	Priority date (day/month/year) 13.07.2005
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International Patent Classification (IPC) or both national classification and IPC
INV. A47C7/18

Applicant
ILLINOIS TOOL WORKS 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.

<p>Name and mailing address of the ISA:</p> <div style="text-align: center;">  </div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Date of completion of this opinion</p> <p>see form PCT/ISA/210</p>	<p>Authorized Officer</p> <p>MacCormick, Duncan</p> <p>Telephone No. +49 89 2399-7959</p> <div style="text-align: right;">  </div>
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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:

Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:
- paid additional fees
 - paid additional fees under protest and, where applicable, the protest fee
 - paid additional fees under protest but the applicable protest fee was not paid
 - not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- complied with
 - not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- all parts.
 - the parts relating to claims Nos. 1-51

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	
	No: Claims	<u>1</u>
Inventive step (IS)	Yes: Claims	<u>2-51</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-51</u>
	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 IV.

Reference is made to the following document: **D1: FR-A-2 147 666**

This Authority considers that there are 2 inventions covered by the claims indicated as follows:

- I: Claims 1-51 directed to a releasable seat cushion.
- II: Claims 52-58 directed to a method and apparatus for covering a seating surface.

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

The prior art has been identified as document **FR-A-2 147 666** and discloses with respect to independant claim 1: A seat cushion (38) adapted for releasable engagement with a mesh seat member (12, see fig.1), the seat cushion (38) comprising a cushion member (138) including a plurality of outward extending projections (150) adapted to releasably engage a mesh seat member (28') upon insertion through voids (34).

All of the technical features of claim 1 are therefore disclosed in D1. Consequently, claim 1 contains no special technical features within the meaning of Rule 13.2 PCT.

However, with respect to independant claim 56; the rim, pad and finish features described therein make a contribution (i.e. are novel) over the prior art (D1) and are therefore considered as special technical features within the meaning of Rule 13.2 PCT.

The problem solved by these special technical features can be construed as: The fixation of a cover to a seating surface.

However, as none of the special technical features of claim 56 are described in claim 1, the above two groups of claims are not linked by common or corresponding special technical features and define two different inventions unlinked by a single general inventive concept.

Consequently the application does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V.

Owing to the above unity objection, substantive examination has only been carried out on the first group of inventions (claims 1-51). In this regard 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.

D1 discloses: A seat cushion (38) adapted for releasable engagement with a mesh seat member (12, see fig.1), the seat cushion (38) comprising a cushion member (138) including a plurality of outward extending projections (150) adapted to releasably engage a mesh seat member (28') upon insertion through voids (34).

All of the technical features of claim 1 are therefore disclosed in D1.

However, each of the features of dependent claims 2-18, in combination with independent claim 1, appear neither to be known from, nor rendered obvious by, the available prior art. Independent claims 19 and 36 also appear to satisfy the requirements of Article 33 PCT.

Re Item VIII.

Although claims 1, 19 and 36 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of protection.

Hence claims 1, 19 and 36 do not meet the requirements of Article 6 PCT.

In order to overcome this objection, it would be appropriate to file an amended set of claims defining the relevant subject matter in terms of a **single independent claim**, followed by dependant claims covering features which are merely optional (Rule 6.4 PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2006/025314