

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
LEE, Chong Wan

647-8, Dongbo Bldg, 4Fl. Yeoksam-Dong, Kangnam-Ku
Seoul 135-080 Republic of Korea

Date of mailing
(day/month/year) **05 JUNE 2007 (05.06.2007)**

Applicant's or agent's file reference 7000835338	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/KR2007/000988	International filing date (day/month/year) 27 FEBRUARY 2007 (27.02.2007)	Priority date(day/month/year) 27 FEBRUARY 2006 (27.02.2006)
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International Patent Classification (IPC) or both national classification and IPC

B43K 5/17(2006.01)i

Applicant
SOG, JONG-WAN



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/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 05 JUNE 2007 (05.06.2007)	Authorized officer JANG, Nak Yong Telephone No.82-42-481-8151	
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/KR2007/000988

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. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, 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.
4. 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.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/KR2007/000988

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)	Claims	1-2	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-2	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-2	YES
	Claims	_____	NO

2. Citations and explanations :

Reference is made to the following documents from International Search Report:

D1: US 5,915,867 A (Jun. 29, 1999)

D2: JP 3382339 B2 (Mar. 04, 2003)

D3: JP 08-72470 A (Mar. 19, 1996)

D4: KR 10-0503569 B (Jul. 26, 2005)

D1 relates to a capless writing tool which is so designed that when a writing body is stored, a front end writing portion of the writing body is held in a sealed state by a simple construction.

D2 relates to an airtightness maintaining structure in an axis barrel for a delivery type writing implement.

D3 relates to a capless pen having a structure of easy assembly by advancing a refill by knocking action to project from a pen core and delivering ink to the pen core by the pressing movement of the pen core after the ink being retained temporarily.

D4 relates to a cap type airtight writing instrument which has the function of preventing the drying of a writing tip, and enables the projection/receding of a writing element and the maintenance of airtightness only by moving a cap forward and backward without removing it.

I—Novelty and Inventive Step

The present invention relates to a retractable marker pen.

The main technical feature of claim 1 is the opening/closing device of the cap comprising a sliding arm integrally formed with the body member, and a push rod formed at the cap and adapted to be separably coupled to the sliding arm, to prevent a pen nib from touching with a cap in the course of opening or closing the cap.

However, none of the cited prior art documents including D1–D4 discloses the same opening/closing device of this invention. Moreover, the present invention is not considered to be derived from the prior art by a person skilled in the art in an obvious manner.

Therefore, claims 1 and 2 are considered to be novel and to involve an inventive step under PCT Article 33(2)–33(3).

II—Industrial Applicability

Claims 1 and 2 are considered to be industrially applicable under PCT Article 33(4).