

**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 See form PCT/ISA/210  
(day/month/year)

Applicant's or agent's file reference  
**P060042/10WO**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/DE2007/000294**

International filing date (day/month/year)  
**15.02.2007**

Priority date (day/month/year)  
**06.03.2006**

International Patent Classification (IPC) or both national classification and IPC  
**F16D25/08**

Applicant  
**LUK LAMELLEN UND KUPPLUNGSBAU BETEILIGUNGS KG**

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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International application No.

PCT/DE2007/000294

| Box No. I | Basis of this opinion   |
|-----------|---|
| 1.        | <p>With regard to the <b>language</b>, 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 <b>nucleotide and/or amino acid sequence</b> 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                   |  |                        |     |
| Novelty (N)                    | Claims   | 3-5, 7-9, 12-14, 16-35 | YES |
|                                | Claims   | 1, 2, 6, 10, 11, 15    | NO  |
| Inventive step (IS)            | Claims   |                        | YES |
|                                | Claims   | 1-35                   | NO  |
| Industrial applicability (IA)  | Claims   | 1-35                   | YES |
|                                | Claims   |                        | NO  |
| 2. Citations and explanations: | <p>1 Reference is made to the following documents:</p> <p>D1: EP 1 524 445 A1 (HYDRAULIK RING GMBH [DE]) 20 April 2005 (2005-04-20)</p> <p>D2: WO 2005/052401 A (AP FRANCE S A [FR]; CHRISTIAENS YANNICK FRANK THOE [FR]) 9 June 2005 (2005-06-09)</p> <p>D3: US 2005/167232 A1 (KOSUGI MAKOTO [JP] ET AL) 4 August 2005 (2005-08-04)</p> <p>D4: DE 199 51 414 A1 (LUK LAMELLEN &amp; KUPPLUNGSBAU [DE]) 4 May 2000 (2000-05-04)</p> <p>D5: DE 199 49 205 A1 (LUK LAMELLEN &amp; KUPPLUNGSBAU [DE]) 20 April 2000 (2000-04-20)</p> <p>2 INDEPENDENT CLAIM 1</p> <p>2.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of <b>claim 1 is not novel</b> (PCT Article 33(2)).</p> <p><b>Document D1</b> discloses (the references between parentheses apply to this document):</p> <p>An apparatus (2) for actuating a clutch, in</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

particular a clutch in the drive train of a motor vehicle between a drive motor and a change-speed gearbox, wherein said apparatus comprises a pneumatic or hydraulic piston/cylinder arrangement (10) which is mounted in a floating manner with respect to a transmission means (14) which is operatively connected to a disengagement bearing (12).

2.2 **Document D3** likewise discloses all the features of **claim 1**.

3 DEPENDENT CLAIMS 2-35

Dependent claims 2-35 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the PCT requirements of novelty and/or inventive step, for the following reasons:

The features of said claims apparently relate to simple design measures (**claims 3, 4, 5, 9, 13, 14, 16, 18-21, 24, 25, 27-32, 34, 35**) or, in relation to **claims 2, 6-8, 10-12, 15, 17, 33**, are already known *per se* or in combination from the prior art (see documents D1-D5 and the corresponding passages in the text which are cited in the search report).