

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 7F-1242/320	POUR SUITE À DONNER	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2007/001659	Date du dépôt international (<i>jour/mois/année</i>) 11 October 2007 (11.10.2007)	Date de priorité (<i>jour/mois/année</i>) 18 October 2006 (18.10.2006)
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 MÉSSIER-DOWTY SA		

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 checked="" type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale
<input checked="" 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	Date d'établissement du présent rapport 10 June 2009 (10.06.2009)
no de télécopieur +41 22 338 82 70	Fonctionnaire autorisé Beate Giffo-Schmitt
e-mail: pt03.pct@wipo.int	

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
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Applicant's or agent's file reference 7F-1242/320	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/FR2007/001659	International filing date (day/month/year) 11.10.2007	Priority date (day/month/year) 18.10.2006
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International Patent Classification (IPC) or both national classification and IPC
D03D11/00 D03D25/00 D03D13/00

Applicant
MESSIER-DOWTY SA

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																											
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; vertical-align: top;">Novelty (N)</td> <td style="width: 60%;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td style="width: 10%;"></td> </tr> <tr> <td style="vertical-align: top;">Inventive step (IS)</td> <td> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td></td> </tr> <tr> <td style="vertical-align: top;">Industrial applicability (IA)</td> <td> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td></td> </tr> </table>		Novelty (N)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-4	YES	Claims		NO		Inventive step (IS)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-4	YES	Claims		NO		Industrial applicability (IA)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="border-bottom: 1px solid black;">1-4</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td style="border-bottom: 1px solid black;"> </td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-4	YES	Claims		NO	
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<p>2. Citations and explanations:</p> <p>1. Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: EP-A1-0 856 601 (SNECMA [FR]; C T M I COTTON TEXTILES FOR M [FR] SNECMA MOTORS [FR]) 5 August 1998 (1998-08-05)</p> <p style="margin-left: 40px;">D2: US-A1-4 922 969 (CAMPMAN ARTHUR R [US] ET AL) 8 May 1990 (1990-05-08)</p> <p style="margin-left: 40px;">D3: US-A1-4 312 913 (RHEAUME WALTER A) 26 January 1982 (1982-01-26)</p> <p style="margin-left: 40px;">D4: FR-A1-2 610 951 (AEROSPATIALE [FR]) 19 August 1988 (1988-08-19)</p> <p style="margin-left: 40px;">D5: WO 90/12911 A (BROCHIER SA [FR]) 1 November 1990 (1990-11-01)</p> <p style="margin-left: 40px;">D6: EP-A-1 526 285 (SNECMA MOTEURS [FR]) 27 April 2005 (2005-04-27)</p> <p>1.1 Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to this document):</p> <p style="margin-left: 40px;">a woven thread or fibre fabric comprising weft fibres and warp fibres arranged according to a</p>																												

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

reinforcement having a basic pattern comprising:
- at least twenty-eight weft fibres (1...28) (see figure 1), arranged in a chequered pattern and forming eight parallel columns (C1...C8) in which the first, third, fifth and seventh columns each comprise four weft fibres and the second, fourth, sixth and eighth columns each comprise three weft fibres, and in which the columns are separated by the same predetermined space (P) and the weft fibres extend in seven levels (N1...N7) transversally to the columns;
- at least twelve warp fibres (29-40) arranged in at least four parallel planes (see figure 1) transversally to the weft fibres and staggered with respect to one another, in which each of said planes contains at least three parallel warp fibres arranged one on top of the other (see figure 1).

1.2 Consequently, the subject matter of claim 1 differs from the fabric known from D1 in that the basic pattern is different.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

1.3 The problem addressed by the present invention is that of providing an optimised 3D fabric with good stress resistance, while being easily deformable.

1.4 The solution to this problem consists of proposing a fabric that comprises a basic pattern

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citations and explanations supporting such statement

corresponding to the technical features of
independent claim 1.

- 1.5 The available prior art documents do not disclose
or suggest these features.

The subject matter of claim 1 is therefore
considered to be inventive (PCT Article 33(3)).

2. Claims 2-4 are dependent on claim 1 and as such
likewise meet the PCT requirements of novelty and
inventive step.

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The same feature should be denoted by the same reference sign throughout the application (PCT Rule 11.13(m)). The reference sign for the first weft fibre of the fourth column C4 should be 12 (see figure 1) and not 13, as indicated on page 4, line 19.

2. Independent claim 1 has not been drafted in the two-part form (PCT Rule 6.3(b)). However, in the present case, the two-part form appears to be appropriate, with the preamble containing the features known in combination from the prior art (see Box V, point 1.1) (PCT Rule 6.3(b)(i)) and the characterising part containing the remaining features (PCT Rule 6.3(b)(ii)).

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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 term "substantially" used in claim 1 (line 32) is vague and equivocal and casts doubt on the meaning of the technical features to which it refers. The subject matter of said claim is therefore not clearly defined (PCT Article 6).