

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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|--|--|--|------------------|
| Applicant's or agent's file reference<br>P151440 IL/EW/PE  | <b>FOR FURTHER ACTION</b>  |  | See item 4 below |
| International application No.<br>PCT/CH2007/000631   | International filing date ( <i>day/month/year</i> )<br>12 December 2007 (12.12.2007) | Priority date ( <i>day/month/year</i> )<br>22 December 2006 (22.12.2006) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |  |  |                  |
| Applicant<br>IL TOCCO DIVINO GMBH  |  |  |                  |

|   |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
|---|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|-------------------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>   |                                     |   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> | Box No. I   | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>   | Box No. I                           | Basis of the report   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. II                          | Priority  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. III                         | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. IV                          | Lack of unity of invention  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input checked="" type="checkbox"/>   | Box No. V                           | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VI                          | Certain documents cited   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input checked="" type="checkbox"/>   | Box No. VII                         | Certain defects in the international application  |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VIII                        | Certain observations on the international application   |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                                     |             |  |                          |              |   |

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| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland | Date of issuance of this report<br>07 July 2009 (07.07.2009)   |
| Facsimile No. +41 22 338 82 70  | Authorized officer<br><br><p style="text-align: center; font-weight: bold;">Yolaine Cussac</p> e-mail: pt05.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**

|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br><b>P151440 IL/EW/PE</b>  |   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below  |
| International application No.<br><b>PCT/CH2007/000631</b>   | International filing date (day/month/year)<br><b>12.12.2007</b> | Priority date (day/month/year)<br><b>22.12.2006</b> |
| International Patent Classification (IPC) or both national classification and IPC<br><b>D03D13/00, D03D15/00, D03D25/00</b> |   |   |
| Applicant<br><b>IL TOCCO DIVINO GMBH</b>  |   |   |

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.      |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2007/000631

| Box No. I | Basis of this opinion   |
|-----------|---|
|           | <p>1. 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"/> 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)).</p> <p>2. <input type="checkbox"/> This opinion has been established taking into account the <b>rectification of an obvious mistake</b> authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p> <p>3. 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> <p>4. <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> <p>5. Additional comments:</p> |

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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| International application No.<br>PCT/CH2007/000631 |
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|--|---|-----------------------------|-----|
| <b>Box No. V</b>   | <b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b> |                             |     |
| 1. Statement   |   |                             |     |
| Novelty (N)  | Claims  | 2, 4-6, 8-10, 12, 13, 15-18 | YES |
|  | Claims  | 1, 3, 7, 11, 14             | NO  |
| Inventive step (IS)  | Claims  |                             | YES |
|  | Claims  | 1-18                        | NO  |
| Industrial applicability (IA)  | Claims  | 1-18                        | YES |
|  | Claims  |                             | NO  |
| 2. Citations and explanations:   |   |                             |     |
| Reference is made to the following documents:  |   |                             |     |
| D1: DE-A-38 05 920   |   |                             |     |
| D2: US-A-2 699 803   |   |                             |     |
| 1. D1 (the following references between parentheses apply to this document) discloses a woven fabric (20) which comprises a plurality of first warp threads (Ku) and first weft threads (Su), wherein the first warp threads (Ku) and first weft threads (Su) are sections of a single long first thread (K, S) (see column 3, lines 52-58). |   |                             |     |
| All the features of claim 1 are therefore known from D1. The subject matter of claim 1 is therefore not novel.   |   |                             |     |
| As a result, claim 1 fails to comply with the requirements of PCT Article 33(1) and (2).   |   |                             |     |
| Reference is made to the fact that D2 also discloses the subject matter of claim 1 (see figure and column 1, lines 43-47).   |   |                             |     |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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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

2. The additional features of dependent claims 2-18 are either known from D1 or D2 or concern only minor structural modifications which are part of the routine practice of a person skilled in the art, especially since the resulting advantages are readily foreseeable. Said claims therefore do not satisfy the criteria of PCT Article 33.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2007/000631

**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.      Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1 and D2 or indicate the relevant prior art therein.