

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference 2006P02245WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2007/064047	International filing date (<i>day/month/year</i>) 17 December 2007 (17.12.2007)	Priority date (<i>day/month/year</i>) 21 December 2006 (21.12.2006)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE 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 8 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 border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><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><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><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><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><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 checked="" 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 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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	Date of issuance of this report 07 July 2009 (07.07.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
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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 2006P02245WO		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2007/064047	International filing date (day/month/year) 17.12.2007	Priority date (day/month/year) 21.12.2006
International Patent Classification (IPC) or both national classification and IPC A47J27/04		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

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

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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"/> 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>
2.	<p><input type="checkbox"/> 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))</p>
3.	<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>
4.	<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>
5.	<p>Additional comments:</p>

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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 Supplemental Box

4. Consequently, this opinion has been established in respect of the following parts of the international application:

all parts

the parts relating to claims Nos. _____

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/EP2007/064047
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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																			
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">Novelty (N)</td> <td style="padding: 2px;">Claims <u>3-22, 26-27</u></td> <td style="width: 10%; text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims <u>1-2, 23-25</u></td> <td style="width: 10%; text-align: right; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Inventive step (IS)</td> <td style="padding: 2px;">Claims <u>5-22, 27</u></td> <td style="width: 10%; text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims <u>1-4, 23-26</u></td> <td style="width: 10%; text-align: right; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Industrial applicability (IA)</td> <td style="padding: 2px;">Claims <u>1-27</u></td> <td style="width: 10%; text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims _____</td> <td style="width: 10%; text-align: right; padding: 2px;">NO</td> </tr> </table>	Novelty (N)	Claims <u>3-22, 26-27</u>	YES		Claims <u>1-2, 23-25</u>	NO	Inventive step (IS)	Claims <u>5-22, 27</u>	YES		Claims <u>1-4, 23-26</u>	NO	Industrial applicability (IA)	Claims <u>1-27</u>	YES		Claims _____	NO	
Novelty (N)	Claims <u>3-22, 26-27</u>	YES																	
	Claims <u>1-2, 23-25</u>	NO																	
Inventive step (IS)	Claims <u>5-22, 27</u>	YES																	
	Claims <u>1-4, 23-26</u>	NO																	
Industrial applicability (IA)	Claims <u>1-27</u>	YES																	
	Claims _____	NO																	
2. Citations and explanations:																			
<p>1. Reference is made to the following documents (D); the same numbering will be used throughout the rest of the procedure:</p> <p style="margin-left: 40px;">D1: DE 41 16 425 A1 (ESSER HANS PETER [DE]) 2 January 1992</p> <p style="margin-left: 40px;">D2: US-A-5 767 487 (TIPPMANN EUGENE R [US]) 16 June 1998</p> <p style="margin-left: 40px;">D3: US 2003/003209 A1 (RIGNEY DONALD P [US]) 2 January 2003</p> <p style="margin-left: 40px;">D4: US-A-3 869 596 (HOWIE JOHN R) 4 March 1975</p> <p style="margin-left: 40px;">D5: US-A-4 759 342 (LEE KENDAL A [TT] ET AL.) 26 July 1988</p> <p style="margin-left: 40px;">D6: DE 43 16 280 A1 (BOSCH SIEMENS HAUSGERAETE [DE] BSH BOSCH SIEMENS HAUSGERAETE [DE]) 17 November 1994</p> <p>2. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of independent claims 1 and 23 is not novel (PCT Article 33(2)).</p> <p>2.1. Document D1 (column 3, line 49 - column 5, line 6 and figures 1-2) discloses (cf. claim 1):</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

- a cooking device having a cooking container (2), wherein the cooking device has means for carrying out preparation processes of steaming (column 4, lines 1-5), baking (column 4, lines 27-44) and braising (column 4, line 12).

The subject matter of claim 1 is therefore not novel (PCT Article 33(1) and (2)).

2.2. Document D4 (column 3, lines 31-65 and figures 1-2) discloses (cf. claim 23):

- a cooking device having a cooking container (4) and a heating element (14), wherein the base (10) of the cooking container comprises at least one composite sheet (6, 8) which has a heating element (14) arranged on its lower face.

The subject matter of claim 23 is therefore not novel (PCT Article 33(1) and 33(2)).

3. Dependent claims 2-4 and 24-26 do not appear to contain any additional features which, in combination with the features of claim 1, meet the PCT requirements of novelty and/or inventive step.

4. The combination of features in dependent claims 5-22 and 27 is neither known nor obvious from the available prior art.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV

The definition of various groups of claimed inventions serves only to label these inventions. Therefore, these definitions can contain generalizations which, upon closer examination, go beyond the subject matter of the content of the application as filed.

The patent application lacks unity of invention (PCT Rule 13.1, 13.2, 13.3).

Document D1 (DE4116425) describes a cooking device having all the features of claim 1. Claim 1 therefore does not contain any special technical features as defined in PCT Rule 13.2. Claim 2 likewise does not contain any special technical features.

Group 1:

Claim 3 contains the feature of an outlet opening which can be closed by an outflow stopper. This feature is not disclosed in D1 and is therefore considered to be a special technical feature of the first group. This feature solves the problem of allowing user-friendly cleaning.

Group 2:

Claim 5 and claim 23 contain the feature of a composite sheet. This feature is not disclosed in D1 and is therefore considered to be a special technical feature of the second group. This feature solves the problem of

Supplemental Box

improving the distribution of heat for preparing the product being cooked.

Group 3:

Claim 17 contains the feature of a first subregion (for steam generation) which is arranged below the second subregion (for baking). This feature is not disclosed in D1 and is therefore considered to be a special technical feature of the third group. This feature solves the problem of a stackable design.

On account of this conclusion, groups 1-3 are based, in the opinion of the Examination Division, on different solutions to different technical problems which can be used independently of one another: the substantive matter of these groups of inventions differs from one another to such an extent that no technical relationship which could form a single general inventive concept can be determined by one or more corresponding technical features.