

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 4549		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2007/000169	International filing date (day/month/year) 10.01.2007	Priority date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC F15B15/10		
Applicant BARTELS MIKROTECHNIK 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.

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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																		
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>19, 20</u></td> <td style="width: 10%; text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims <u>1-18, 21, 22</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 _____</td> <td style="width: 10%; text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims <u>1-22</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>1-22</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>19, 20</u>	YES		Claims <u>1-18, 21, 22</u>	NO	Inventive step (IS)	Claims _____	YES		Claims <u>1-22</u>	NO	Industrial applicability (IA)	Claims <u>1-22</u>	YES		Claims _____	NO	
Novelty (N)	Claims <u>19, 20</u>	YES																	
	Claims <u>1-18, 21, 22</u>	NO																	
Inventive step (IS)	Claims _____	YES																	
	Claims <u>1-22</u>	NO																	
Industrial applicability (IA)	Claims <u>1-22</u>	YES																	
	Claims _____	NO																	
2. Citations and explanations:																			
<p>1 Reference is made to the following documents:</p> <p>D1: EP 0 236 764 A (PAYNTER HENRY M) 16 September 1987 (1987-09-16)</p> <p>D2: FR 2 560 102 A1 (EXAMECA MONEDI [FR]) 30 August 95 (95-08-30)</p> <p>D3: US 6 168 634 B1 (SCHMITZ GEOFFREY W [US]) 2 January 2001 (2001-01-02)</p> <p>D4: DE 19 44 621 A1 (OPPELT WINFRIED DR ING PROF DR) 11 March 1971 (1971-03-11)</p> <p>D5: EP 1 40 241 A2 (SEIKO EPSON CORP [JP]) 14 April 2004 (2004-04-14)</p> <p>D6: DE 203 09 196 U1 (KARLSRUHE FORSCHZENT [DE]) 13 November 2003) 2003-11-13)</p> <p>D7: EP 1 519 055 A (KARLSRUHE FORSCHZENT [DE]) 30 March 2005 (2005-03-30)</p> <p>D8: "MUSCLING IN ON THE MILLENNIUM" DESIGN ENGINEERING, MORGAN-GRAMPIAN LTD. LONDON, GB, no. 1, May 1999 (1999-05), page 68, XP001124985ISSN: 0308-8448</p> <p>2 INDEPENDENT CLAIM 1</p> <p>2.1 The present application fails to comply with the</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

requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).

Document D1 discloses (the references between parentheses relate to said document):

a displacement element which comprises a displacement foil (33, figure 1) with a hollow space (35), wherein:

the hollow space (35) is configured such that the spatial arrangement of the displacement foil (33) is changed by means of the supply and/or removal of a gaseous medium into and/or from the hollow space; the displacement foil (33) is disposed on an object (40-1) in such a way that a predetermined change of the spatial arrangement of the object (40-1) occurs when there is a change of the spatial arrangement of the displacement foil (33).

2.2 Documents D2-D8 also disclose all the features of claim 1.

3 DEPENDENT CLAIMS 22-22

Claims 2-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (see the search report).