

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 R 2223WO-ro/za	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2008/000586	International filing date (<i>day/month/year</i>) 25 January 2008 (25.01.2008)	Priority date (<i>day/month/year</i>) 25 January 2007 (25.01.2007)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RODENSTOCK 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 7 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: none;"> <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 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 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 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 04 August 2009 (04.08.2009)
Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.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 See form PCT/ISA/210
(day/month/year)

Applicant's or agent's file reference
R 2223WO-ro/za

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2008/000586

International filing date (day/month/year)
25.01.2008

Priority date (day/month/year)
25.01.2007

International Patent Classification (IPC) or both national classification and IPC
G02C7/02 G02C13/00

Applicant
RODENSTOCK 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

International application No.

PCT/EP2008/000586

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>

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/EP2008/000586
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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	10, 11, 13-21	YES
	Claims	1-9, 12, 22-24	NO
Inventive step (IS)	Claims		YES
	Claims	1-24	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO
2. Citations and explanations:			
1	Reference is made to the following documents:		
	D1: EP-A-1 666 953 (CARL ZEISS AG [DE]) 7 June 2006 (2006-06-07)		
	D2: EP-A-1 154 302 (HOYA CORP [JP]) 14 November 2001 (2001-11-14)		
	D3: US 2004/233385 A1 (KITANI AKIRA [JP] ET AL.) 25 November 2004 (2004-11-25)		
	D4: ESSER G ET AL.: "DIE PERFORMANCE INDIVIDUELLER GLEITSICHTGLAESER" DEUTSCHE OPTIKERZEITUNG, XX, DE, 1 December 2005 (2005-12-01), pages 38-44, XP000962762		
	D5: US 2003/231282 A1 (SAUX GILLES LE [FR] ET AL. LE SAUX GILLES [FR] ET AL.) 18 December 2003 (2003- 12-18)		
	D6: DE 101 51 135 A1 (ASAHI OPTICAL CO LTD [JP]) 18 April 2002 (2002-04-18)		
	D7: WO 02/088832 A (JOHNSON & JOHNSON VISION CARE [US]) 7 November 2002 (2002-11-07)		
2	The present application fails to comply with the requirements of PCT Article 33(1) because the subject matter of claims 1-9, 12 and 22-24 is not		

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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

novel (PCT Article 33(2)) and the subject matter of claims 10, 11, 13-21 does not involve an inventive step (PCT Article 33(3)).

2.1 Claim 1 has been drafted in such a general and generalizing manner that even conventional manufacturing methods for prismatic spectacle lenses anticipate the subject matter of the claim. In particular, it is generally necessary for producing and fitting a prismatic spectacle lens to

- a) detect individual user data of the spectacle wearer, which data include the prismatic prescription data;
- b) design the spectacle lens with prismatic effect while taking account of the individual user data; and
- c) determine the centring data for the spectacle lens with prismatic effect as a function of the prismatic prescription data.

For example, document D1 discloses (the references between parentheses relate to said document):

a method for producing a spectacle lens with prismatic effect for a spectacle wearer (see paragraph [0020]), comprising:

- detection of individual user data of the spectacle wearer, with the individual user data comprising prismatic prescription data (see paragraphs [0020]-[0022]);
- designing the spectacle lens with prismatic effect while taking account of the individual

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>user data (see paragraphs [0027]-[0031]) and - determination of centring data for the spectacle lens with prismatic effect as a function of the prismatic prescription data (see paragraph [0056]).</p> <p>D1 thus discloses all the steps of the method defined in claim 1 and the subject matter of claim 1 cannot therefore be considered to be novel.</p> <p>2.2 Documents D2-D5 likewise disclose methods for producing individually fitted progressive spectacle lenses, which methods anticipate the subject matter of claim 1:</p> <p>D2: see paragraphs [0031]-[0043], paragraphs [0080]-[0095], and figures 1-4, 24, 25;</p> <p>D3: see paragraphs [0035]-[0078], and figures 1-6;</p> <p>D4: entire document, in particular page 42, left-hand column;</p> <p>D5: see paragraphs [0042]-[0092], and figures 1-7.</p> <p>2.3 The same reason applies correspondingly to independent claims 22-24:</p> <p>document D2 discloses in particular both a corresponding computer program product (see figures 1-3) and the system for producing a prismatic spectacle lens (see figure 1) and the prismatic spectacle lens itself (see figure 25). The subject matter of said claims is therefore not novel (PCT Article 33(2)) either.</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;
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2.4 Dependent claims 2-21 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 documents D1-D7 and the corresponding passages indicated in the search report.