

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 320838	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/EP2008/063061	International filing date (day/month/year) 30.09.2008	Priority date (day/month/year) 30.11.2007
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International Patent Classification (IPC) or both national classification and IPC
H02K5/167 F16C23/04

Applicant
ROBERT BOSCH 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"/> 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. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement			
Novelty (N)		Claims <u>1-11</u>	YES
		Claims _____	NO
Inventive step (IS)		Claims <u>8</u>	YES
		Claims <u>1-7, 9-11</u>	NO
Industrial applicability (IA)		Claims <u>1-11</u>	YES
		Claims _____	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: DE 10006350 (cited in the introduction to the description)

D2: XP7118424

1. The present application fails to comply with the requirements of PCT Article 33(1) because the subject matter of claims 1-7 and 9-11 does not involve an inventive step (PCT Article 33(3)).

1.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses relate to said document):

An electric drive motor, in particular for an assembly in a motor vehicle, preferably a window lifter drive motor, having a rotor shaft which is rotatably mounted in a spherical bearing, wherein the spherical bearing comprises a bearing bushing and a bearing receptacle which at least partially surrounds the bearing bushing and secures it in a positively locking fashion in the circumferential direction (D1, figure 1, No. 34 = bearing

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bushing and Nos. 35, 38 and 39 = bearing receptacle, column 3, lines 37-46), wherein the bearing receptacle has two clamping fingers (D1, figures 1, 2, No. 39, column 3, lines 38-41) between which the bearing bushing is housed, and wherein contact sectors are provided on the outer casing of the bearing bushing and bear on the inside of the clamping fingers (the contact sectors are the regions of the bearing bushing against which the clamping fingers bear).

The subject matter of claim 1 therefore differs from the known electric drive motor in that the bearing receptacle has at least three axial clamping fingers between which the bearing bushing is held, wherein at least one anti-twist projection which protrudes radially outward and projects radially into the intermediate space between two adjacent clamping fingers is arranged on the bearing bushing between the contact sectors.

The problem addressed by the present invention can therefore be considered that of making available a stable bearing of simple design (see application, page 2, lines 9-11).

The solution proposed in claim 1 of the present application cannot be considered inventive for the following reasons (PCT Article 33(3)):

Taking D1 as a basis, a person skilled in the art would use, for example, document D2 which explicitly deals with making available a bearing of simple design (see D2, last paragraph) which bearing securely holds the bearing

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bushing (D2, first paragraph, sentences 2-4) and furthermore provides the advantage that the bearing bushing is held in a low-vibration fashion (D2, first paragraph, last sentence). A person skilled in the art would therefore use D2 and construct the bearing receptacle according to document D1 with three clamping fingers and construct the bearing bushing with the cutouts which can be seen in the figure in D2 and into which the clamping fingers engage after mounting in order to securely support the bearing bushing.

As a result, not only would there be only three clamping fingers present but also in each case a projection would respectively protrude between two adjacent fingers, said projection having an anti-twist function. To this extent, a person skilled in the art therefore arrives at the subject matter of claim 1 without exercising inventive skill, and said subject matter therefore does not involve an inventive step.

1.2 The dependent claims 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 inventive step, see with respect to

Claims 2-7: the features can each be found directly in the figures in D2;

Claim 9: the features are known from D1 and a person skilled in the art would retain them; and

Claims 10, 11: in this respect it is not possible to discern any technical effect so that the number is randomly selected and cannot form the basis for an

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inventive step.

2. The combination of features in dependent claim 8 is neither known nor obvious from the available prior art.

2.1 The reasons are as follows:

Taking the obvious combination of D1 with D2 as a basis, the subject matter of claim 1 differs therefrom in that a junction-compensating section is arranged between a contact sector and an anti-twist projection on the bearing bushing, which junction-compensating section is inclined by an angle (β) of greater than 0° and less than 90° , in particular by at most 30° , with respect to the longitudinal axis of the bearing bushing.

Such a junction-compensating section cannot be found in D2, instead said document contains a right angle between the contact section and the anti-twist projection.

The technical effect which underlies this feature can be considered to be to permit tilting of the bearing bushing with respect to the longitudinal axis in a second plane which is perpendicular thereto (see application, page 9, lines 23-25 or else page 5, lines 4-9). The problem addressed by this feature can therefore be considered to be that of mounting the bearing bushing more flexibly with respect to tilting. This problem is independent of the first objective problem - which has already been stated above in 1.1, so that a further document or the general knowledge of a person skilled in the art could be additionally used to solve said problem.

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However, none of the available documents provides a person skilled in the art with a suggestion of a junction-compensating section. By using his general knowledge, a person skilled in the art would merely arrive at the solution of making the clamping fingers narrower at their part which bears against the contact section so that laterally next to them there is play with respect to the anti-rotation section, which play permits easy rotation but also permits tilting with respect to the bearing axis in order to solve the problem. However, in this way, a person skilled in the art would also fail to arrive at the solution according to claim 8.