

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 467-153072WO DDL-VH	POUR SUITE À DONNER	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2009/000158	Date du dépôt international (<i>jour/mois/année</i>) 12 February 2009 (12.02.2009)	Date de priorité (<i>jour/mois/année</i>) 14 February 2008 (14.02.2008)
Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant INNOVATRON		

1.	Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).																								
2.	Ce RAPPORT comprend un total de 6 feuilles, y compris la présente feuille de couverture. Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).																								
3.	Le présent rapport contient des indications relatives aux points suivants : <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Cadre n° I</td> <td>Base de l'opinion</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° II</td> <td>Priorité</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° III</td> <td>Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° IV</td> <td>Absence d'unité de l'invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Cadre n° V</td> <td>Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VI</td> <td>Certains documents cités</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VII</td> <td>Certaines irrégularités relevées dans la demande internationale</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VIII</td> <td>Certaines observations relatives à la demande internationale</td> </tr> </table>	<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion	<input type="checkbox"/>	Cadre n° II	Priorité	<input type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle	<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention	<input checked="" type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration	<input type="checkbox"/>	Cadre n° VI	Certains documents cités	<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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4.	Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).																								

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport 28 September 2010 (28.09.2010) Fonctionnaire autorisé <p style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</p> e-mail: pt03.pct@wipo.int
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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 467-I53072WO DDL-VH		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2009/000158	International filing date (day/month/year) 12.02.2009	Priority date (day/month/year) 14.02.2008
International Patent Classification (IPC) or both national classification and IPC G06Q30/00		
Applicant INNOVATRON		

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>

**WRITTEN OPINION OF THE
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International application No. PCT/FR2009/000158
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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>1-16</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> <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>1-16</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>1-16</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>1-16</u>	YES		Claims _____	NO	Inventive step (IS)	Claims _____	YES		Claims <u>1-16</u>	NO	Industrial applicability (IA)	Claims <u>1-16</u>	YES		Claims _____	NO	
Novelty (N)	Claims <u>1-16</u>	YES																	
	Claims _____	NO																	
Inventive step (IS)	Claims _____	YES																	
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Industrial applicability (IA)	Claims <u>1-16</u>	YES																	
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2. Citations and explanations:																			
<p>1. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1-16 does not meet the requirement of PCT Article 33(3) in respect of inventive step.</p> <p>2. Claim 1</p> <p>2.1 The subject matter of claim 1 relates to a method for receiving information relating to an Internet user. This method consists of presenting, to an Internet user needing to enter data on the page visited, not only a single input field, but a table including N functionally identical input fields and N pre-filled information fields ("qualifying information"). The qualifying information is not absolutely correlated with the data to be entered. As the Internet user can freely select an input field from the available N input fields, the solution proposed is based on</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

the hypothesis that the user will make the selection on the basis of his or her interest in the concept described in the corresponding information field.

2.2 The solution proposed by the present application is entirely on the basis of a hypothesis regarding the behaviour of the Internet user when selecting an input field. It is noted that this hypothetical behaviour is in no way guaranteed, as indicated in the description (page 7, lines 12-14). The Internet user can indeed select an input field on the basis of a plurality of criteria other than his or her interests, and even entirely randomly, in which case the problem addressed by the application is in no way solved. In every case, this solution is based on entirely non-technical considerations and is certainly not the work of a technical expert, but rather an expert in the field, for example, of behavioural psychology. As this solution is not technical, it is in itself excluded from the possibility of patentability and cannot therefore be taken into consideration in the assessment of an inventive step. Moreover, this solution should in fact be considered to be a prerequisite for a person skilled in the art for whom the technical problem addressed is the implementation by technical means of this non-technical solution.

2.3 However, the technical implementation of said solution as claimed, but also as disclosed in the

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application as a whole, uses input fields as are well known in the field of web pages (in particular in online forms and/or search tools) and the normal interaction between the user and said fields. A person skilled in the art, having the non-technical solution at his or her disposal, would not have to exercise any inventive skill in order to develop the method as claimed. It is moreover noted that none of the technical means constituting the subject matter of the claim or cited in the application appear to have an unexpected technical effect, when considered alone or in combination.

2.4 Consequently, the subject matter of claim 1 is not inventive.

3. Dependent claims

Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, define subject matter which meets the requirements of the PCT in respect of inventive step, because they relate to implementation options that are obvious to a person skilled in the art (claims 2-16) or because they are obvious from the non-technical solution to be implemented (claims 9-10).