

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 K590773WO | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/EP2009/066952 | International filing date (day/month/year) 11.12.2009 | Priority date (day/month/year) 11.12.2008 |
| International Patent Classification (IPC) or both national classification and IPC B41N3/08 | | |
| Applicant WEROS TECHNOLOGY 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 | | | | | | | | | | | | | | | | | | |
| 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>5, 8-10, 14-15, 17</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, 6-7, 11-13, 16, 18</u></td> <td style="text-align: right; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Inventive step (IS)</td> <td style="padding: 2px;">Claims <u>14</u></td> <td style="text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims <u>1-13, 15-18</u></td> <td style="text-align: right; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;">Industrial applicability (IA)</td> <td style="padding: 2px;">Claims <u>1-18</u></td> <td style="text-align: right; padding: 2px;">YES</td> </tr> <tr> <td></td> <td style="padding: 2px;">Claims _____</td> <td style="text-align: right; padding: 2px;">NO</td> </tr> </table> | Novelty (N) | Claims <u>5, 8-10, 14-15, 17</u> | YES | | Claims <u>1-4, 6-7, 11-13, 16, 18</u> | NO | Inventive step (IS) | Claims <u>14</u> | YES | | Claims <u>1-13, 15-18</u> | NO | Industrial applicability (IA) | Claims <u>1-18</u> | YES | | Claims _____ | NO | |
| Novelty (N) | Claims <u>5, 8-10, 14-15, 17</u> | YES | | | | | | | | | | | | | | | | | |
| | Claims <u>1-4, 6-7, 11-13, 16, 18</u> | NO | | | | | | | | | | | | | | | | | |
| Inventive step (IS) | Claims <u>14</u> | YES | | | | | | | | | | | | | | | | | |
| | Claims <u>1-13, 15-18</u> | NO | | | | | | | | | | | | | | | | | |
| Industrial applicability (IA) | Claims <u>1-18</u> | YES | | | | | | | | | | | | | | | | | |
| | Claims _____ | NO | | | | | | | | | | | | | | | | | |
| 2. Citations and explanations: | | | | | | | | | | | | | | | | | | | |
| 1 | <p>Reference is made to the following document:</p> <p style="margin-left: 40px;">D1: US 4 374 036 A (CANALE RALPH D ET AL) 15 February 1983 (1983-02-15)</p> | | | | | | | | | | | | | | | | | | |
| 2 | <p>The present application fails to comply with the requirements of PCT Article 33(1) because the subject matter of claims 1-4, 6, 7, 11-13, 16 and 18 is not novel (PCT Article 33(2)).</p> <p>Document D1 discloses an offset printing method, in which, to generate an image, a printing agent is fed to an imaged printing plate featuring imaged and non-imaged partial areas, wherein the imaged partial areas of the printing plate absorb more printing agent, and wherein a fountain agent is fed to the non-imaged partial areas of the printing plate, and wherein the printed image is transferred from the printing plate to a rubberized printed image transfer member and from there to the substrate to be printed, and wherein a separating agent is fed to the rubberized printed image transfer member, which reduces 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

adhesiveness between the rubberized surface of the transfer member in the area not being printed and at least partially loosens any printing agent accumulations present in the area and/or at least partially reduces the adherence of printing agent residues. See D1, column 1, line 59 to column 4, line 17. Therefore, claim 1 is not novel.

The separating agent in D1 is a polysiloxane, which is used in an aqueous separating agent emulsion, wherein this is present in the fountain agent in the form of an aqueous emulsion. See D1, column 16, line 26 to column 17, line 14. As a result, all features of claims 2 to 4 are known and therefore these claims are not novel.

The concentration of the separating agent in the fountain agent in D1 ranges from 0.15 to 2.7 percent by weight. Therefore, claims 6, 7 and 16 are also not novel.

The separating agent in D1 is a hydrophobic silicone oil; see D1, column 16, line 26 to column 17, line 14. Therefore, claims 11 to 13 and 18 are not novel.

3 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 5, 8-10, 15 and 17 does not involve an inventive step (PCT Article 33(3)).

The use of an emulsifier (wetting agent) in the

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fountain agent in D1 having the separating agent emulsion (claim 5) is to be expected. Regulating fountain agents as a function of the feature of the printed product as in claims 8 or 9 would be a normal process step for a person skilled in the art. Since the separating agent in D1 is the same as in the application, it is to be expected that the separating agent in D1 also has a boiling point of $> 110^{\circ}\text{C}$ and a kinetic viscosity of $< 200 \text{ mm}^2/\text{s}$ (claims 10 and 15). The features of claim 17 would be use conditions for a person skilled in the art that could be ascertained without exercising inventive skill.

4 The combination of features in claim 14 is neither known nor obvious from the available prior art.