

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)

Applicant's or agent's file reference 09R01451		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/JP2009/007313	International filing date (day/month/year) 25.12.2009	Priority date (day/month/year) 25.12.2008	
International Patent Classification (IPC) or both national classification and IPC			
Applicant SHARP KABUSHIKI KAISHA			

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/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I	Basis of this opinion
	<p>1. 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> <p>2. <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> <p>3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:</p> <p>a. (means)</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>b. (time)</p> <p><input type="checkbox"/> in the international application as filed</p> <p><input type="checkbox"/> together with the international application in electronic form</p> <p><input type="checkbox"/> subsequently to this Authority for the purposes of search</p> <p>4. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing 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> <p>5. Additional comments:</p>

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- paid additional fees
 - paid additional fees under protest and, where applicable, the protest fee
 - paid additional fees under protest but the applicable protest fee was not paid
 - not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- complied with
 - not complied with for the following reasons:

The common matter of the inventions of claims 1-14 is an "inspection method for determining the usability of an optical information recording medium by using the received light reflected back from a recordable recording layer in an optical information recording medium following the incidence of a beam on the recording layer, wherein a first light receptor and a second light receptor are disposed in order along the track direction of the recording layer and wherein the method comprises a detection step in which the first and second light receptors are used to detect the level of light reflected from the recording layer and a determination step in which a first reflected light level received by the first light receptor is compared to a second reflected light level received by the second light receptor and, on the basis of the comparison result, the usability of the optical recording medium is determined."

[See supplemental box]

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- all parts
 - the parts relating to claims Nos. _____

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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 <u>2-14</u>	YES
		Claims <u>1</u>	NO
	Inventive step (IS)	Claims <u>3-14</u>	YES
		Claims <u>1, 2</u>	NO
	Industrial applicability (IA)	Claims <u>1-14</u>	YES
		Claims _____	NO

2. Citations and explanations:

Document 1: JP 9-147424 A (Sony Corp.), 06 June 1997,
claims; paragraphs [0032] to [0035] (Family:
none)

Document 2: JP 10-11808 A (Toshiba EMI Ltd.), 16 January
1998, claims (Family: none)

The invention as in claim 1 of the present application is not novel and does not involve an inventive step in the light of document 1 cited in the ISR.

The invention as in claim 2 of the present application does not involve an inventive step in the light of documents 1 and 2 cited in the ISR.

Document 1 indicates that the usability of an optical information recording medium is determined by comparing a first reflected light level received by a first light receptor to a second reflected light level received by a second light receptor.

Document 2 discloses "causing the rotation direction to change and inspecting the optical information recording medium."

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: IV.3

However, the search has revealed that this common matter is disclosed in document JP 9-147424 A (Sony Corp., 06 June 1997, claims and paragraphs [0032] to [0035]), and thus is clearly not novel. As a result, this common matter is not a special technical feature, and further, no other common matter exists that can be considered a special technical feature.

Thus, the inventions of claims 1-14 do not satisfy the requirement of unity of invention.