

**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 <b>K 77 004/7</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/EP2010/060441</b>	International filing date (day/month/year) <b>19.07.2010</b>	Priority date (day/month/year) <b>20.07.2009</b>
International Patent Classification (IPC) or both national classification and IPC <b>G09C5/00 H04M1/725</b>		
Applicant <b>GIESECKE &amp; DEVRIENT GMBH</b>		

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
	<p>1. With regard to the <b>language</b>, 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 <b>rectification of an obvious mistake</b> authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p> <p>3. With regard to any <b>nucleotide and/or amino acid sequence</b> 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> <p>4. <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> <p>5. Additional comments:</p>

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Box No. II	Priority
1.	<input type="checkbox"/> The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43 <i>bis</i> .1 and 64.1) is the claimed priority date.
2.	<input type="checkbox"/> This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43 <i>bis</i> .1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3.	Additional observations, if necessary:  1.       The priority document that is available for examination appears to be valid.

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<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>		
<b>1. Statement</b>			
Novelty (N)	Claims	8-11, 18	YES
	Claims	1-7, 12-17	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO
<b>2. Citations and explanations:</b>			
2. Reference is made to the following documents:			
D1 WO 2005/062282 A1 (KONINKL PHILIPS ELECTRONICS NV [NL]; JOHNSON MARK T [GB]; PEETERS ADRI) 7 July 2005 (2005-07-07)			
D2 US 2008/130883 A1 (AGAIAN SOS S [US] ET AL) 5 June 2008 (2008-06-05)			
D3 WO 03/060674 A1 (KONINKL PHILIPS ELECTRONICS NV [NL]; STARING ANTONIUS A M [NL]; VAN DI) 24 July 2003 (2003-07-24)			
3. The present application fails to meet the requirements of PCT Article 33(2) because the subject matter of claim 1 lacks novelty.			
3.1 Document D1 discloses (the references between parentheses relate to said document):			
a method for displaying user data on a display device of a telecommunications terminal (page 1, lines 6-10 and lines 19-24), comprising the following steps:			
- displaying display data on the display device, said data comprising the user data			

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and the clutter data veiling the user data (page 1, lines 6-10 and lines 19-24); and

- overlaying the displayed display data with filter data (page 1, lines 15-17), characterised in that the clutter data and the filter data are subjected together to synchronised modulation (page 1, lines 28-31; page 2, lines 3-5) and in that it is possible to identify the user data in the display data (page 1, lines 19-24).

3.2 The applicant is further advised that documents D2-D3 also disclose the subject matter of claim 1. Reference is made to the relevant passages cited in the search report.

3.3 The same arguments apply in a similar manner with regard to the subject matter of independent claims 14, 16 and 17 and consequently said claims likewise cannot be considered novel.

4. Dependent claims 2-13, 15 and 18 do not contain any features which, in combination with the features of any claim to which they relate, meet the requirements of the PCT in respect of novelty and inventive step. Reference is made to the relevant passages cited in the search report.

4.1 More especially, document D1 discloses the synchronised modulation of the filter data as per claim 2 (see D1, page 2, lines 3-4); said document

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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

also explicitly discloses the colour mixing of colour filter data as per claim 3 (see D1, page 7, line 19), the portable data support as per claim 2 (see D1, page 6, lines 1-5) and the semi-transparent and electrochromic data support in the form of a card as per claim 6 (see D1, page 4, lines 12-19 and page 7, lines 14-19).

- 4.2 Dependent claims 8, 10 and 13 define minor structural modifications of the kind that a person skilled in the art would normally make on the basis of routine considerations, especially since the resulting advantages are readily foreseeable. Thus, the subject matter of claims 8, 10 and 13, likewise, is not inventive.

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Box No. VI		Certain documents cited		
1. Certain published documents (Rule 43bis.1 and 70.10)				
Application No. Patent No.		Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
DE 10 2008 006532		30.07.2009	29.01.2008	30.07.2009
2. Non-written disclosures (Rule 43bis.1 and 70.9)				
Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)		
See form PCT/ISA/210.				

**Box No. VII**      **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

- 4.3      Independent claim 1 has not been drafted in the two-part form (PCT Rule 6.3(b)). However, in the present case, the two-part form would seem to be appropriate. The features known in combination from the prior art should therefore have been set out in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterising part (PCT Rule 6.3(b)(ii)).
- 4.4      Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite D1 to D3 or indicate the relevant prior art disclosed therein.



**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 4.5      The expression "synchronised modulation", used in claims 1-3, 7, 11, 12, 14 and 16, is vague and unclear and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claims is not clearly defined (PCT Article 6).
- 4.6      The expression "colour filter data", used in claims 3, 5, 7, 11, 12, 14 and 16, is vague and unclear and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claims is not clearly defined (PCT Article 6).
- 4.7      Although claims 14, 16 and 17 were drafted as separate independent claims, they seem in fact to relate to the same subject matter and the only apparent difference lies in the varying definitions of the subject matter for which protection is sought or in the terminology used for the features of said subject matter. Consequently, these claims are not concise and fail to meet the requirements of PCT Article 6.