

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference RECWONPCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2014/000701	International filing date (<i>day/month/year</i>) 08 May 2014 (08.05.2014)	Priority date (<i>day/month/year</i>) 10 May 2013 (10.05.2013)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RECWON S.R.L.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

	Date of issuance of this report 10 November 2015 (10.11.2015)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)**

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2014/000701

International filing date (day/month/year)
08.05.2014

Priority date (day/month/year)
10.05.2013

International Patent Classification (IPC) or both national classification and IPC
INV. G11B20/10 G11C7/16

Applicant
RECWON S.R.L.

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 and 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 usually 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.

Name and mailing address of the ISA:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
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Date of completion of this opinion

see form
PCT/ISA/210

Authorized Officer

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - 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)).
2. 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))
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:
 - a. (means)
 - on paper
 - in electronic form
 - b. (time)
 - in the international application as filed
 - together with the international application in electronic form
 - subsequently to this Authority for the purposes of search
4. 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.
5. Additional comments:

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)	Yes: Claims	<u>4</u>
	No: Claims	<u>1-3, 5-9</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-9</u>
Industrial applicability (IA)	Yes: Claims	<u>1-9</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

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

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statements

1 Prior Art

Reference is made to the following documents:

D1 Apple, Inc.: "GarageBand Guida Utente",
, 1 January 2008 (2008-01-01), XP055095233,

Retrieved from the Internet:

URL:[http://manuals.info.apple.com/MANUALS/0/MA266/it_IT/
Guida_Utente_di_GarageBand_08.pdf](http://manuals.info.apple.com/MANUALS/0/MA266/it_IT/Guida_Utente_di_GarageBand_08.pdf)

[retrieved on 2014-01-08]

D2 ADOBE SYSTEMS INCORPORATED: "ADOBE AUDITION 3 USER GUIDE",
INTERNET CITATION, 2007, pages I-V,1, XP002655085,

Retrieved from the Internet:

URL:[http://202.29.95.44/\\$sitepreview/aprogram.smkcc.ac.th/docs/
%E0%B8%84%E0%B8%B9%E0%B9%88%E0%B8%A1%E0%B8%B7%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B9%83%E0%B8%8A](http://202.29.95.44/$sitepreview/aprogram.smkcc.ac.th/docs/%E0%B8%84%E0%B8%B9%E0%B9%88%E0%B8%A1%E0%B8%B7%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B9%83%E0%B8%8A%E0%B9%89%20adobe%20audition%203.0.pdf)

[%E0%B9%89%20adobe%20audition%203.0.pdf](http://202.29.95.44/$sitepreview/aprogram.smkcc.ac.th/docs/%E0%B8%84%E0%B8%B9%E0%B9%88%E0%B8%A1%E0%B8%B7%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B9%83%E0%B8%8A%E0%B9%89%20adobe%20audition%203.0.pdf)

[retrieved on 2011-08-01]

2 Art. 33(1) PCT

2.1 Independent claim 1

Document D1 is considered the closest prior art at hand and discloses (the references in parentheses applying to this document):

A method for recording a plurality of audio files (p. 45 Registrare contemporaneamente su più tracce), which can be played individually and, at least in pairs, synchronously (p. 29 dopo aver aggiunto alcune registrazioni al tuo progetto puoi riprodurlo per ascoltare il risultato) and which can be modified individually with respect to playing parameters (p. 13 nell'editor puoi modificare le regioni di uno strumento reale), said method being implemented by means of electronic processing hardware and software means (GarageBand è un software che gira su un PC Apple), including:

- *at least two independent devices originating sound signals, comprising storage means or a microphone input or a ~~fin~~ line in input (p. 7 Requisiti necessari per iniziare; p. 45 per registrare su più tracce devi disporre di un'interfaccia audio con almeno due canali di ingresso per la registrazione);*

- *means for playing audio files (p.7 Requisiti necessari per iniziare), and*

- *software means for playing one or more audio files individually or synchronously (p. 29),*

characterized in that

- *at least two independent audio files are acquired in real time and simultaneously, from at least two sound signal sources (p. 45 Registrare contemporaneamente su più tracce), and*

- *they are synchronized [with] one another (p. 45 la registrazione di quelle traccia è attiva e inizia quando premi il tasto Registra) by means of an encoder that encodes said same files, making them of the same time duration, obtaining at least two audio files of the same length and independent from one another (p. 11 Timeline; p. 102), and said audio files are included in a respective container file, which is provided with related identification and operating parameters (p. 30 Registrare i progetti),*

and in that

- *said at least two audio files are played, by means of said means for playing said synchronized audio files, simultaneously or independently with respect to one another, according to the instructions present in said container file provided with parameters (p. 29).*

Hence, independent claim 1 lacks novelty over the disclosure of document D1.

For the sake of completeness, independent claim 1 lacks novelty also over the disclosure of document D2.

2.2 Dependent claims 2-9

Dependent claims 2-9 seem not to contain any feature which in combination with the features of any claim to which they refer, meet the requirements of novelty or inventive step, the reasons being as follows:

2.2.1 Document D1 also discloses the additional features of claim 9 (encoding by sampling).

- 2.2.2 Document D2 also discloses the additional features of claim 2 (acquisition of the audio file analogically by means of microphone and/or line input and analog signal converted into digital signals by encoding PCM >44,1kHz 16bit stereo in .WAV format). Starting from D1 it would be obvious to add support for .WAV format.
- 2.2.3 Document D1 and D2 also discloses the additional features of claim 3 (encoding PCM >44,1kHz 16bit stereo).
- 2.2.4 The additional features of claim 4 (labeling the encoding process with a certain name) represent just a mere implementation choice which the skilled person would adopt without being inventive.
- 2.2.5 Document D1 also discloses the additional features of claim 5 (subsequently acquiring one or more further audio files).
- 2.2.6 Document D1 also discloses the additional features of claim 6 (hardware and software means for acquiring video files, in real time; hardware and software means for playing video files; acquiring at least one video file; synchronizing the video and audio files; playing said synchronized video and audio files).
- 2.2.7 Document D1 also discloses the additional features of claim 7 (hardware and software means including storage means in which image and/or text files with different extensions are stored; output means for playing images and/or texts with different extensions; acquiring from said storage means at least one image and/or text file; synchronizing said image with audio and video; playing said image audio and video).
- 2.2.8 Document D1 also discloses the additional features of claim 8 (modifying individually or simultaneously, one or more of said files).

Re Item VII

Certain defects in the international application

Please note the following:

- 3 To meet the requirements of R. 5.1(a)(ii) PCT, **the documents D1-D2 should have been identified in the description.**
- 4 To meet the requirements of R. 5.1(a)(iii) PCT, **the description should have been brought into conformity with the claims.**

- 5 To meet the requirements of R. 6.2(b) PCT, **reference signs in parentheses should have been inserted in the claims** to increase their intelligibility. This applies to both the preamble and characterising portions.
- 6 To meet the requirements of R. 6.3(b) PCT, **the independent claims should have been properly cast in the two part form**, with those features which in combination are part of the prior art being placed in the preamble.
- 7 To meet the requirements of R. 6.4 PCT, **dependent claims 3 and 5-8 should have not served as a basis for the multiple dependent claims 4-9.**