

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 2013P00037WO		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2014/001407	International filing date (day/month/year) 24.05.2014	Priority date (day/month/year) 04.07.2013
International Patent Classification (IPC) or both national classification and IPC B62D35/00		
Applicant WABCO EUROPE BVBA		

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.

WRITTEN OPINION OF THE
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International application No.

PCT/EP2014/001407

Box No. I Basis of this 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 and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed
 - filed together with the international application in electronic form
 - furnished 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 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.
5. Additional comments:

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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
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1. Statement			
Novelty (N)	Claims	1-17	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-17	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims	_____	NO

2. Citations and explanations:	
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Reference is made to the following documents:

D1 DE 195 24 825 A1 (LECHNER ANTON DIPL ING DR [DE]) 9 January 1997 (1997-01-09)

D2 EP 2 500 244 A1 (IVECO SPA [IT]) 19 September 2012 (2012-09-19)

D3 US 2008/048468 A1 (HOLUBAR ROBERT [US]) 28 February 2008 (2008-02-28)

Document D1 is considered to be the prior art closest to the subject matter of claim 1 and discloses:

a rear spoiler device for a vehicle having at least one rear door, wherein the rear spoiler device comprises at least: an air guide element that can be moved between an initial position and a drive position for the purpose of contour extension and aerodynamic air guiding, and a support device for supporting the air guide element in the drive position thereof, wherein the rear spoiler device is completely **attached** to a rear door or to both rear doors.

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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 subject matter of claim 1 therefore differs from the known rear spoiler device in that the support device includes a four-joint coupling having at least four joints or joint axes for moving the air guide element between the initial position and the drive position.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem addressed by the present invention can be considered that of providing a rear spoiler device having a simplified coupling of the air guide element to the rear door.

The above-mentioned combination of features of claim 1 is neither known nor obvious from the available prior art. The subject matter of claim 1 therefore meets the requirements of the PCT in respect of inventive step (PCT Article 33(3)).

Claims 2 to 17 are dependent on claim 1 and therefore likewise meet the requirements of the PCT in respect of novelty and inventive step.

Box No. VII Certain defects in the international application

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

Although claim 1 has been drafted in the two-part form, the feature that the rear spoiler device is completely ***attached*** to a rear door or to both rear doors should not be in the characterising part, since it was disclosed in document D1 in conjunction with the features in the preamble (PCT Rule 6.3(b)).

Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.