

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43*bis*.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/IS2015/050006

International filing date (day/month/year)
05.05.2015

Priority date (day/month/year)
05.05.2014

International Patent Classification (IPC) or both national classification and IPC
INV. A22C25/08 A22C17/10 G06Q10/08

Applicant
SKAGINN HF.

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 43*bis*.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 66.1*bis*(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:



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Date of completion of this opinion

see form
PCT/ISA/210

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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:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).
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 forming part of 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>1-18</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-18</u>
Industrial applicability (IA)	Yes: Claims	<u>1-18</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

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:

see separate sheet

Re Item V

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

1 Reference is made to the following documents:

D1 US 2010/282833 A1 (THORSSON BRYNJOLFUR [IS] ET AL) 11
November 2010 (2010-11-11)

D2 US 2 775 785 A (KURZBIN KARL R) 1 January 1957 (1957-01-01)

D3 US 2012/009858 A1 (LARSEN ASBJORN INGEMAR [NO]) 12
January 2012 (2012-01-12)

2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claims 1 and 11 does not involve an inventive step.

2.1 Document D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses an apparatus for tracing items, comprising:

- a conveyor (4, 11a-c, 12a-c),
- at least one image means (*machine vision system*; par. [0015]), which determines at least one characteristic property of the items being transported on the conveyor belt ,
- at least one diverting means (1), at least one collection bin (implicit, since items are collected at the end of the out-feed conveyor; par. [0051]), said at least one collection bin being a part of a packing station (par. [0051]; claim 6), and computing means (par. [0023]),

wherein two or more views of the items are obtained by the at least one image means (par. [0015]; first, at an in-feed location, second when a robot selects the item) and based on data from the at least one image means, selected items are diverted to a collection bin by the diverting means and the computing means (par. [0051]) and packed in a unit which is given an ID (par. [0038]), and in that the at least one characteristic property of each item and the ID of the unit, which the item is packed in, is stored in a database (par. [0015] and [0053]).

The subject-matter of claim 1 therefore differs from this known apparatus in that the conveyor has a cleated conveyor belt for transporting single items between each two cleats.

The problem to be solved by the present invention may therefore be regarded as maintaining the items carried by the conveyor in uniformly spaced relation.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT). Cleated conveyors are a known option for the person skilled in the art in case the items to be carried have to maintain a distanced distribution on the belt, especially when the items to be transported are slippery or difficult to handle (e.g. fish, see document D2 col. 1, l. 68 - col. 2, l. 6). The skilled person would therefore regard it as a normal option to include this feature in the apparatus described in D1 in order to solve the problem posed.

2.2 The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim 11, which therefore is also considered not inventive.

3 Dependent claims 2 to 10, and 12 to 18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

3.1 Claim 18 refers to a fishing vessel comprising an apparatus according to claim 1. Fishing vessels with on board facilities for processing fish are well known in the prior art (see e.g. document D3). The addition of this feature cannot be considered as involving an inventive step.

3.2 Dependent claims 2 to 10, and 12 to 17 relate to minor constructional features, which are partly revealed in the prior art quoted in the search report or which form part of the normal consideration of the person skilled in the art, i.e. they are the result of routine engineering and do not constitute an inspired design. Therefore the dependent claims 2 to 10, and 12 to 17 do not appear to contain any additional features which involve an inventive step when combined with the subject matter of any claim to which they refer (Article 33(2) and (3) PCT).

Re Item VII

Certain defects in the international application

1 Although claims 1 and 11 drafted in the two-part form, the features are incorrectly distributed in the preamble and in the characterising portion, as most of the features of the characterising portion are disclosed in D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).

- 2 The features of claims 1 and 11 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 is not mentioned in the description, nor are these documents identified therein.

Re Item VIII

Certain observations on the international application

- 1 The application does not meet the requirements of Article 6 PCT, because claims 1, 4 and 18 are not clear.
 - 1.1 Some of the features in the apparatus claim 1, (e.g. obtaining two or more views of the items) relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.
 - 1.2 Claim 4 refers to an electronic nose. Its function, its position or its relationship with the other components of the apparatus according to claim 1 is not explained in the claim itself or in the description.
 - 1.3 Although claim 18 has been drafted as a separate independent claim, it contains all technical features of claim 1 and therefore should be drafted as a dependent claim. Claim 18 therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.