

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	FOR FURTHER ACTION		See item 4 below
International application No. PCT/RO2015/000013	International filing date (<i>day/month/year</i>) 15 May 2015 (15.05.2015)	Priority date (<i>day/month/year</i>) 16 May 2014 (16.05.2014)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant S.C. DBV RESEARCH SRL			

<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 7 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 type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" 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 type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
<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 type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

<p align="center">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 22 November 2016 (22.11.2016)</p>
	<p>Authorized officer</p> <p align="center">Athina Nickitas-Etienne</p> <p>e-mail: pt04.pct@wipo.int</p>

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/RO2015/000013

International filing date (day/month/year)
15.05.2015

Priority date (day/month/year)
10.05.2014

International Patent Classification (IPC) or both national classification and IPC
INV. B66C19/02

Applicant
S.C. DBV RESEARCH SRL

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:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016


Date of completion of this opinion

see form
PCT/ISA/210

Authorized Officer

Verheul, Omiros

Telephone No. +31 70 340-0



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>2-7</u>
	No: Claims	<u>1</u>
Inventive step (IS)	Yes: Claims	<u>2-7</u>
	No: Claims	<u>1</u>
Industrial applicability (IA)	Yes: Claims	<u>1-7</u>
	No: Claims	

2. Citations and explanations

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

Document

1 Reference is made to the following document:

D1: EP 1 785 388 A1 (COMBINUS B V M B A [BE]) 16 May 2007
(2007-05-16)

2 Novelty

2.1 The subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and the criteria of Article 33(1) PCT are therefore not met. See item V-III related to interpretation and clarity.

2.2 D1 discloses (reference numbers are from D1):

The A portal crane (1) ~~for interventions, with reference to fig. 1 ... fig. n,~~ is a metallic structure in the form of a folding portal (see §13 description and fig. 3), equipped with ~~specific invention~~ means that enables it to operate as an autonomous electric vehicle (see § 40 and 43, controlled and operated in a teleguided manner") as portal crane (1) ~~and the~~ in a domed work area (D), ~~all~~ designed for ~~excellent~~ performances ~~outside specifically arranged areas and under harsh weather conditions (the sea-harbour area of operation is considered a harsh weather condition area of which certain parts may be covered, domed) .~~

3 Inventive Step

3.1 The features of claims 2-7 as far as they can be understood, seem to be novel and inventive over the prior art; see also item VIII below, relating to the observations on the international application.

4 **Re Item VIII**

Certain observations on the international application

- 4.1 The application does not meet the requirements of Article 6 PCT, because claims 1-6 are not clear.
- 4.2 The vague and imprecise statements in claim 1: "crane for interventions", "equipped with specific invention means", "designed for excellent performances", implies that the subject-matter for which protection is sought may be different to that defined, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.
- 4.3 Claim 1 contains a reference to the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.
- 4.4 The claim numbering in the form of R1, is not clear, the "R" is a confusing denotation in the sequence of numbers.
- 4.5 Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 4.6 Claim 1 further contradicts itself, as the crane claimed is suitable to operate in a domed work area which is a specifically arranged area. Claim 1, continues then and defines the crane to be suitable for working outside a specifically arranged area. This contradiction renders the claim unclear.
- 4.7 Claim 2 refers to "The folding portable metallic structure, as per claim 1 characterized by the fact that consists...", which is interpreted as "The portal crane of claim 1, characterised in that it consists of a ...".
- 4.8 Although claims 1 and 3 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter (Autonomous vehicle...obtained by providing the metal structure (A)...", which is the structure defined in claim 1, namely the pivotal gantry crane.

As such claim 3 differs from claim 1 only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

Claim 3 is interpreted for this reason as dependent on claim 1 and interpreted as: "Portal crane, as per claim 1, characterised in that it is provided with a metal structure (A) with two drive pulleys (20)...".

- 4.9 The term in claim 3 "as regards the operation position" does not specify the claim, the term is unclear.
- 4.10 According to the requirements of Rule 11.13(I) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference sign (30) used in claim 5, but not appearing in the drawings.
- 4.11 The subject-matter for which protection is being sought in claim 7 is not clear as the claim defines a "Domed work area". The claim is interpreted as "A portal crane, characterised in that it is provided with a stiffening frame (43)..."