

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 P0425PCXX0	FOR FURTHER ACTION		See item 4 below
International application No. PCT/GB2016/052375	International filing date (<i>day/month/year</i>) 02 August 2016 (02.08.2016)	Priority date (<i>day/month/year</i>) 28 August 2015 (28.08.2015)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant TOOKIE LTD			

<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 6 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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	Date of issuance of this report 06 March 2018 (06.03.2018)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Athina Nickitas-Etienne
Facsimile No. +41 22 338 82 70	e-mail: pct.team4@wipo.int

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/GB2016/052375

International filing date (day/month/year)
02.08.2016

Priority date (day/month/year)
28.08.2015

International Patent Classification (IPC) or both national classification and IPC
INV. A61M25/02 A41D13/12

Applicant
TOOKIE LTD

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
Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Rolland, Philippe

Telephone No. +49 30 25901-0



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>4-7</u>
	No: Claims	<u>1-3, 8</u>
Inventive step (IS)	Yes: Claims	<u>4-7</u>
	No: Claims	<u>1-3, 8</u>
Industrial applicability (IA)	Yes: Claims	<u>1-8</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 statement

1 Cited documents

Reference is made to the following documents:

- D1 US 6 055 668 A (GROS MELINDA [US] ET AL) 2 May 2000
(2000-05-02)
- D2 US 5 755 698 A (KAGAN KAREN L [US] ET AL) 26 May 1998
(1998-05-26)
- D3 US 5 806 096 A (PENNINGTON JACQUELINE R [US]) 15 September
1998 (1998-09-15)
- D4 CN 203 042 646 U (HOU FANG; ZHOU CUILING) 10 July 2013
(2013-07-10)
- D5 US 6 336 458 B1 (NAFZIGER DOUGLAS A [US]) 8 January 2002
(2002-01-08)

2 Independent claim 1

2.1 The present application does not meet the requirements of Article 33(1) PCT because the subject-matter of claim 1 is not new within the meaning of Article 33(2) PCT. The reasons are the following:

Document D1 discloses (the following references applying to this document):

"A medical tube holder (Fig.1) comprising a harness (Fig.1, 10; garment) and a pouch (Fig.1; 22; bag), the harness comprising a front panel (Figs.1,2) and a back panel (Figs.1,2) with two shoulder straps (Figs.1,2; 16; straps) connecting an upper part of the front panel to an upper part of the back panel and a head aperture between the shoulder straps, wherein the lower part of back panel comprises a first part of a connection mechanism and the lower part of the front panel comprises two laterally extending straps, the two laterally extending straps forming a second part of the connection mechanism (Figs.1,2) and wherein the pouch is connected to one of the laterally extending straps (Fig.2; 22)."

The subject-matter of claim 1 is therefore not new (Article 33(2) PCT).

2.2 The subject-matter of claim 1 is not new either in view of documents D2-D4 (see relevant cited passages in the International Search Report, e.g. D2 Figs. 1, 2 or D3 Figs.1,2).

3 Dependent claims 2-8

3.1 The dependency of claim 5 appears to be unclear (Art.6 PCT). Indeed, to fold and be part of the connection mechanism as claimed in claim 5, it appears that slits are needed through which the flaps can pass to fulfil the holding function. Therefore claims 5 ought to be dependent on only claim 4 otherwise the connection mechanism can not work.

3.2 Dependent claims 2-3, 8 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 novelty, see for example D1 Figs.1-5 or D2 Figs.1-6 or D3 Fig.2 at (21) or D4 which has anti-microbial properties.

The combination of the features of dependent claims 4-7 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows: None of the documents at hand considered to represent the closest prior art discloses nor gives any hint as to have vertical slit through which straps can pass.

Re Item VII

Certain defects in the international application

1 Independent claim 1 should have been drafted in the two-part form in accordance with Rule 6.3(b) PCT.

2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1-D4 is not mentioned in the description, nor are these documents identified therein.

3 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).