

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)	18.04.2017
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Applicant's or agent's file reference PC-22549	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/JP2017/009766	International filing date (day/month/year) 10.03.2017	Priority date (day/month/year) 18.03.2016
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International Patent Classification (IPC) or both national classification and IPC
G06F3/0482 (2013.01) i, G06F17/30 (2006.01) i

Applicant
YAMAHA CORPORATION

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.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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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 43*bis*.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 13*ter*.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 13*ter*.1(a)).
 - on paper or in the form of an image file (Rule 13*ter*.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:

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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		
1. Statement			
Novelty (N)	Claims	3, 4, 10, 11	YES
	Claims	1, 2, 5-9, 12-14	NO
Inventive step (IS)	Claims	3, 4, 10, 11	YES
	Claims	1, 2, 5-9, 12-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>Document 1: JP 2007-172138 A (SONY CORP.) 05 July 2007, paragraphs [0013], [0014], [0033]-[0036], [0045]-[0059], fig. 2, 10, 14-16 & US 2007/0143268 A1, paragraphs [0035], [0036], [0051]-[0053], [0063]-[0077], fig. 2, 10, 14-16 & CN 1987867 A & KR 10-2007-0065798 A</p> <p>Document 2: JP 2006-268100 A (NIPPON TELEGRAPH AND TELEPHONE CORP.) 05 October 2006, entire text, all drawings (Family: none)</p> <p>Document 3: JP 2008-59383 A (TOSHIBA CORP.) 13 March 2008, entire text, all drawings & US 2008/0071832 A1</p> <p>Document 4: JP 2007-102981 A (OLYMPUS IMAGING CORP.) 19 April 2007, entire text, all drawings (Family: none)</p> <p>Document 5: JP 2006-243854 A (FUJITSU TEN LTD.) 14 September 2006, entire text, all drawings (Family: none)</p> <p style="text-align: center; margin-top: 20px;">The invention as in claims 1, 2, 5-9 and 12-14 lacks novelty and does not involve an inventive step in the</p>			

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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

light of document 1 cited in the ISR.

Document 1 discloses an upgrading method that: acquires a list (playlist 50) of a plurality of content items selected from a library (musical piece data stored on a hard disk drive 16) containing a plurality of content items (musical pieces); selects, from the list, a first content item (musical piece that is not listened to very much/musical piece having impressions that are different from user-preference impressions) to be deleted from the list; and from the library, on the basis of the particulars of the list (musical piece impressions), swaps the first content item with a second content item to be swapped in (a pre-identified selection musical piece and plurality of candidate musical pieces).

In addition, document 1 discloses: a feature (see paragraphs [0033]-[0036]), wherein a user selects a list of content items; a feature (see paragraph [0045]), wherein the first content item is selected in accordance with the play histories (number of plays) of each content item; and the feature (see paragraph [0036]). A central processing unit 10 detects that an operation key 14 has been pressed and determines that it is a correction time for the playlist 50) of determining whether it is time to update the list of content items.

The invention as in claims 3, 4, 10 and 11 is not disclosed in any of documents 1-5 cited in the ISR and would not be obvious to a person skilled in the art. In particular, none of documents 1-5 discloses a feature, wherein "the second content item is selected from among one or more content items that are similar to the first content item", and the invention as in claims 3, 4, 10

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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**

and 11 thereby achieves a beneficial effect in which lagging user interest in a playlist is suppressed by fixing content items included in the playlist, and the integrity or concept of the playlist itself is maintained by selecting additional content items in accordance with the attributes of deleted content items.