

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 BES- 00332-PCA	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2017/035956	International filing date (<i>day/month/year</i>) 05 June 2017 (05.06.2017)	Priority date (<i>day/month/year</i>) 03 June 2016 (03.06.2016)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant BESTOP, INC.			

<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
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	Date of issuance of this report 04 December 2018 (04.12.2018)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Mineko Mohri
Facsimile No. +41 22 338 82 70	e-mail: pct.team8@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/US2017/035956

International filing date (day/month/year)
05.06.2017

Priority date (day/month/year)
03.06.2016

International Patent Classification (IPC) or both national classification and IPC
INV. B60J7/10 B60J7/11 B60J1/08

Applicant
BESTOP, INC

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

Verkerk, Ewout

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>3-20</u>
	No: Claims	<u>1, 2</u>
Inventive step (IS)	Yes: Claims	<u>4-7, 9, 10, 12, 17-20</u>
	No: Claims	<u>1-3, 8, 11, 13-16</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</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

1 Reference is made to the following documents:

- D1 US 2005/134096 A1 (FALLIS ROBERT E III [US] ET AL) 23 June 2005 (2005-06-23)
- D2 JP H06 106989 A (SUZUKI MOTOR CO; OTA SHEET KK) 19 April 1994 (1994-04-19)
- D3 US 2014/138983 A1 (HABERKAMP WILLIAM H [US] ET AL) 22 May 2014 (2014-05-22)

2 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claim 1 is not new.

2.1 Document D1 discloses, see figure 3:

A quarter window assembly for a vehicle, comprising;
at least one panel portion with at least one window (48), said at least one panel portion operably connected to a soft top cover (30); and
at least one hard corner support assembly (50) connected to the at least one panel portion, said hard corner support assembly (50) operably connected toward a rear of the vehicle (12) to provide support and an attachment location for the at least one panel portion;
wherein the quarter window assembly (48, 50) is selectively removable from the vehicle for maintenance, replacement, repair or when a more vehicle open air feel is desired.

2.2 The subject-matter of claim 1 is therefore not novel in view of D1.

2.3 Document D2 discloses, see paragraph 22, 23, figures 18-21:

A quarter window assembly (47) for a vehicle, comprising;
at least one panel portion (52) with at least one window, said at least one panel portion operably connected to a soft top cover (24); and
at least one hard corner support assembly (53) connected to the at least one panel portion (52), said hard corner support assembly (53) operably connected toward a rear of the vehicle to provide support and an

attachment location for the at least one panel portion (52);
wherein the quarter window assembly (52, 53) is selectively removable
from the vehicle for maintenance, replacement, repair or when a more
vehicle open air feel is desired.

- 2.4 The subject-matter of claim 1 is therefore not novel in view of D2. In D2 the strip (53) is described as being a hard resin material on the top and rear portion of the quarter window assembly. The frame (51) is attached to the bodywork by clips 55, thereby fixing the quarter window assembly.
- 2.5 The subject-matter of claims 17 and 20 seems to be new and inventive, but see remarks under Item VIII below.
- 3 Dependent claims 2, 3, 8, 13-16 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:
- 3.1 Document D1 implicitly discloses locking features for connecting the quarter window assembly to the vehicle. The subject-matter of claim 2 is therefore not novel.
- 3.2 A snap-fit as releasable fixation is well known in the art. Furthermore, D1 shows the tailgate bar receiver, and as this is the rearmost location of the vehicle bodywork, it is obvious to arrange the locking feature there. The subject-matter of claim 3 is therefore not considered to be inventive.
- 3.3 The subject-matter of claim 8 is not inventive. As long as it is not specified what the first and second part is, it can be anything.
- 3.4 D3 shows a corner support (14), see figure 4, to which also a rear window is attached. The subject-matter of claim 11 does not seem to be inventive.
- 3.5 Document D3 discloses the subject-matter of claims 13-16, see § 33.
- 4 It seems that if the hard corner portion is better defined, and it is made clear that it cannot be a circular frame (as in D1). The description on page 4, lines 1-3, could be used:

The hard corner portion 16 is positioned generally vertically at the rear corner of the vehicle. The upper end and lower end of the hard corner portion 16 is operably attached to the vehicle and allows for selectively removing the hard corner portion 16 for maintenance, replacement, repair or when a more open air feel/driving experience is desired.

In order to distinguish clearly from the strip (53) in D2, the subject-matter of claim 4 (including claim 2 due to the dependency) could be included in claim 1.

- 5 The combination of the features of dependent claims 4-7, 9, 10, 12, 18, 19 is neither known from, nor rendered obvious by, the available prior art.

Re Item VIII

Certain observations on the international application

- 6 The application does not meet the requirements of Article 6 PCT, because claims 1, 17 and 20 are not clear.
- 6.1 Although claims 1, 17 and 20 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other 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.
- 6.2 It is remarked that claim 17, but also claim 20, essentially already contain the features of claim 1 (removable, panel with window, hard corner support supporting quarter window assembly) and in addition details about the hard corner support and its fixation means.
- 6.3 The objection under Article 6 PCT could already be overcome by making claims 17 and 20 dependent on claim 1, however, many of the dependent claims 2-16 already cover this subject-matter. Another option is to delete the claims 17-20.