

**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 LZ170018P	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/CN2017/099526	International filing date ( <i>day/month/year</i> ) 29 August 2017 (29.08.2017)	Priority date ( <i>day/month/year</i> ) 31 August 2016 (31.08.2016)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant CHINA TOBACCO YUNNAN INDUSTRIAL CO.,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 5 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 checked="" 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 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 checked="" 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 type="checkbox"/>	Box No. VIII	Certain observations on the international application
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	Date of issuance of this report 05 March 2019 (05.03.2019)
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From the INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) <b>02 November 2017</b>	
Applicant's or agent's file reference <b>LZ170018P</b>	<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/CN2017/099526</b>	International filing date (day/month/year) <b>29 August 2017</b>
Priority date (day/month/year) <b>31 August 2016</b>	
International Patent Classification (IPC) or both national classification and IPC A24F 47/00(2006.01)i	
Applicant <b>CHINA TOBACCO YUNNAN INDUSTRIAL CO.,LTD</b>	

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 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 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/	Date of completion of this opinion	Authorized officer
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CN2017/099526

## 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 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 filed or furnished:
  - a. (means)
    - on paper
    - in electronic form
  - b. (time)
    - in the international application as filed
    - together with the international application in electronic form
    - subsequently to this Authority for the purposes of search
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 in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CN2017/099526

**Box No. II**      **Priority**

1.  The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:
  - [1] Upon verification, the right of priority is established.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/CN2017/099526

Box No. V

**Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability;  
citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	<u>1-6</u>	YES
	Claims	<u>None</u>	NO
Inventive step (IS)	Claims	<u>1-6</u>	YES
	Claims	<u>None</u>	NO
Industrial applicability (IA)	Claims	<u>1-6</u>	YES
	Claims	<u>None</u>	NO

## 2. Citations and explanations :

[1] D1: CN 102356930 A (22 February 2012)

[2] D1 discloses the following technical features (see description, paragraphs [0022] - [0030], and figures 2-4): an electronic tobacco-curing cigarette comprising a tobacco-curing device 30, and the tobacco-curing device 30 comprising a heating mechanism 31 and a heated cavity body 32 for having a cigarette or tobacco loaded therein, wherein the heated cavity body 32 is a metal tube 32a (a cigarette heating tube), the heating element 311 is an electric heating wire 311a (a heating element), the electric heating wire 311a is wound around an outer circumferential surface of the metal tube 32a, and heat insulation cotton or heat insulation paper 312 (a heat insulation sleeve) is further wrapped around the electric heating wire. The differences between claim 1 and D1 are: 1) a plurality of wall holes being provided in a side wall of a cigarette heating tube, a heating element not being in contact with an outer side of the cigarette heating tube, and a heat insulation sleeve not being in contact with an outer side of the heating element; and 2) the specific constituent parts of a press-type gas-spraying device and the positional relationships thereof.

[3] Novelty and Inventive step

[4] 1. Claims 1-6 are novel and comply with PCT Article 33(2).

[5] 2. Difference 1) mentioned above is a customary means in the art, whereas difference 2) mentioned above is neither disclosed in the other reference documents, nor common general knowledge in the art, and therefore, claim 1 involves an inventive step and complies with PCT Article 33(3). Dependent claims 2-6, which refer to claim 1, also involve an inventive step and comply with PCT Article 33(3).

[6] Industrial applicability

[7] Claims 1-6 are industrially applicable, and comply with PCT Article 33(4).