

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)	14.11.2017
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Applicant's or agent's file reference PCT09917	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/JP2017/031674	International filing date (day/month/year) 01.09.2017	Priority date (day/month/year) 02.09.2016
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International Patent Classification (IPC) or both national classification and IPC
A61B1/045 (2006.01) i, A61B1/00 (2006.01) i

Applicant
HOYA 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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International application No.

PCT/JP2017/031674

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 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:

**WRITTEN OPINION OF THE
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International application No. PCT/JP2017/031674

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
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1. Statement			
Novelty (N)	Claims	1-12	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-12	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims	_____	NO

2. Citations and explanations:	
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Document 1: JP 2015-160013 A (FUJIFILM HOLDINGS CORP.)
07 September 2015, paragraph [0056] & US
2015/0238127 A1, paragraph [0075] & EP
2912992 A1

Document 2: JP 2015-198735 A (OLYMPUS CORP.) 12
November 2015, paragraph [0063] (Family:
none)

Document 3: WO 2016/136698 A1 (HOYA CORP.) 01 September
2016, paragraph [0146] & US 2017/0098301
A1, paragraph [0192] & CN 106102557 A

The invention as in claims 1-12 is novel and involves an inventive step in relation to the documents cited in the ISR. The documents do not disclose the feature of "including [...] an oxygen saturation calculation unit that is configured to calculate the oxygen saturation of the hemoglobin on the basis of the amount of hemoglobin and a second ratio that is obtained using components of the color image data, and said image display control unit adjusting the transparency of pixels superimposed on the image of the biological tissue in the case of pixels for

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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

which the value of the second ratio falls outside an allowable range for the second ratio which is decided in accordance with the amount of hemoglobin", and such a feature could not be easily conceived of by a person skilled in the art.