

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.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/NL2017/050566	International filing date (day/month/year) 29.08.2017	Priority date (day/month/year) 31.08.2016
--	--	--

International Patent Classification (IPC) or both national classification and IPC INV. E01C5/00 E04D11/00 E04F15/02 E04F15/024

Applicant ZOONTJENS BETON B V

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 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 66.1bis(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:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	Date of completion of this opinion see form PCT/ISA/210	Authorized Officer Movadat, Robin Telephone No. +49 89 2399-0	
---	--	---	---

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, 8-11, 14, 16</u>
	No: Claims	<u>1, 2, 4-7, 12, 13, 15</u>
Inventive step (IS)	Yes: Claims	<u>3, 16</u>
	No: Claims	<u>1, 2, 4-15</u>
Industrial applicability (IA)	Yes: Claims	<u>1-16</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 VIII

- 1 The application does not meet the requirements of Article 6 PCT, because claim 16 is not clear.
- 1.1 The claim attempts to define the subject-matter in terms of the result to be achieved, namely moving a locking element "to lock the fitting pins relative to the pin receiving holes", which merely amounts to a statement of the underlying problem, without providing the **technical features** necessary for achieving this result.
- 1.2 Indeed, it is clear from the description and figures, that a "restricted protrusion at a lower end of the locking pin" is essential to lock the tile with a locking element. Since independent claim 16 does not contain this feature it does neither meet the requirement of clarity that any independent claim must contain all the technical features essential to the definition of the invention.

Re Item V

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
- 2.1 **GB-A-1536424** discloses a system, cf. fig. 4, *for forming a tiled floor on an outdoor subsurface, such as a roof, balcony, or an outdoor corridor*, comprising a tile support (3) for supporting at least two tiles and a corner element (6) for receiving a lower corner of a tile, wherein the corner element (6) comprises a corner plate with an upper side and a lower side, the upper side being connectable to the lower corner of the tile and the lower side being dimensioned such as to be received by the tile support (3), the tile support (3) comprises an upper receiving face (12) for receiving at least two corner elements (6) and a lower face (40) which is [suitable to be placed and thus] *placeable on the outdoor subsurface*, or on a pedestal (1) positioned on the outdoor subsurface.

- 2.2 Moreover, GB-A-1536424 discloses that the corner element (6) comprises at least one fixing pin (61) which extends vertically from the lower side, and the tile support (3) comprises at least one pin receiving hole (31) with an inner shape and dimensions that corresponds to the outer shape and dimensions of the fixing pin (61), wherein in an assembled state of the system, the lower side of the corner element (6) rests on the upper receiving face of the tile support (3) and the fixing pin (61) extends fittingly in the pin receiving hole (31).
- 2.3 GB-A-1536424 thereby discloses all technical features of claim 1.
- 2.4 In a similar manner document **WO-A-2012/168846**, cf. fig. 2, tile support (3), corner element (7), fixing pin (8,9), receiving hole (11), discloses all technical features of claim 1.
- 3 The present application does not meet the criteria of patentability, because the subject-matter of claim 12 is not new.
- 3.1 **GB-A-1536424** discloses a combination of a tile (5) with multiple lower corners and at least one corner element (6), wherein the at least one corner element (6) comprises a corner plate with an upper side and a lower side, the upper side is fixedly connected (7) to one of the lower corners of the tile and the lower side is dimensioned such as to be received by a tile support (5), and the corner element (6) comprises at least one fixing pin (61) which extends from the lower side. The protrusion is defined as a preferred embodiment and is not part of the subject-matter of claim 12.
- 3.2 GB-A-1536424 thereby discloses all technical features of claim 12.
- 3.3 **WO-A-2012/168846**, cf. tile (2), "anchoring areas 7 of the plates 2 connected to the plate 2 itself by gluing" (p.9/par.3), also discloses a combination according to claim 12.
- 4 Dependent claims 2,5-11,13-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of novelty and/or inventive step:
- claims 2,4,5; **WO-A-2012/168846**, protrusion (8), Article 33(2) PCT;

- claims 6,7,13,15; **GB-A-1536424**, multiple fixing pins (61), the lack of technical features of the terms "fixing pins", "jamming pins" is not construed to distinguish the subject-matter of claim 7 from the projection (61) of the prior art, four corner elements, tiled floor (fig. 4), Article 33(2) PCT;
- claims 8-11,14; positioning wall, positioning ridge, tile spacer, ceramic material are considered slight constructional changes in the tile support respectively tile, which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen; consequently, the subject-matter of said claims lacks an inventive step, Article 33(3) PCT.

- 5 The combination of the features of dependent claim 3 in combination with the essential features of dependent claim 4 (the protrusion provided at a lower end of the locking pin [...]) is neither known from, nor rendered obvious by, the available prior art.
- 5.1 Indeed, the provision of a locking element in combination with a protrusion on the fixing pin (locking pin), thereby avoiding the tilting of the tile, is considered a structural intervention which would imply further adaptations and thereby constitutes a specific locking arrangement which is not derivable from the entire state of the art.
- 5.2 Furthermore, a clarified method claim according to paragraph 1 of this Written opinion would have been considered new and inventive.