

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)	29.09.2017
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Applicant's or agent's file reference MAYCON-2017	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/BR2017/050222	International filing date (day/month/year) 04.08.2017	Priority date (day/month/year) 29.11.2016
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International Patent Classification (IPC) or both national classification and IPC
**A47J31/38 (2006.01),
CPC: A47J31/3**

Applicant
MAYCON EDUARDO PASSOS DE MELO 08857649601 MEI

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/BR	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 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:

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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
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1. Statement			
Novelty (N)	Claims	2-8	YES
	Claims	1, 9, 10	NO
Inventive step (IS)	Claims	****	YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	****	NO

2. Citations and explanations:	
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1) Cited documents:

D1: AU2010101197 A4
D2: CN103126531 A
D3: US6742442 B1
D4: US2010098823 A1

The technical features defined in claim 1 are already disclosed in document D1, which describes a portable espresso coffee machine that does not use electricity, using only manual pressure to obtain the coffee (see description, page 1, lines 1-8). Therefore, this claim lacks novelty pursuant to PCT Article 33(2) and therefore likewise does not meet the requirement in respect of inventive step pursuant to PCT Article 33(3).

Document D1 is considered to be the most representative of the prior art and discloses a manual coffeemaker comprising: a movable screw; handle; crank; fixed nut; threaded rod; two-part piston; filter holder with lower funnel; filter; copper piston; thermal insulation;

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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

compression chamber (see figures 1 to 4). However, document D1 does not disclose a manual coffeemaker comprising an upper funnel, mug or cup sleeve, base or rest. The invention defined in claim 2 is considered to be novel and complies with PCT Article 33(2).

Document D2 discloses an upper funnel (10) and document D3 discloses a base and rest (see figure 2). It is considered obvious for a person skilled in the art to arrive at the features defined in claim 2 (and claims 3 to 7, which are dependent thereon) by combining the teachings of documents D1, D2 and D3. Therefore, claim 2 and claims 3 to 7, which are dependent thereon, contravene PCT Article 33(3).

The invention defined in claim 8 is considered to be novel and complies with PCT Article 33(2) since the cited prior art documents do not disclose the invention.

The subject matter of claim 8 lacks inventive step since a person skilled in the art is capable of arriving at the technical features by extrapolation from the provision of a cup holder (25), containing a cup, which is coupled to the filter holder to receive the espresso coffee, in order that preparation of the beverage may be effective as conveniently as possible, i.e. allowing spill-free operation in a car or on a boat, for example (see paragraph [0020]; figure 1), as disclosed in document D4. Therefore, this claim contravenes PCT Article 33(3).

The technical features defined in claims 9 and 10 are already disclosed in document D3, which discloses a base

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for fixing the coffeemaker and a rest for securing the coffeemaker (see figure 3). Therefore, these claims lack novelty pursuant to PCT Article 33(2) and therefore likewise do not meet the requirement in respect of inventive step pursuant to PCT Article 33(3).

The subject matter of claims 1-10 is considered to be industrially applicable and therefore complies with PCT Article 33(4).

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Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claims 2, 8, 9 and 10 include all the features of claim 1 and therefore are incorrectly drafted as a claim dependent thereon pursuant to PCT Rule 6.4.

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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:

Claims 1, 8, 9 and 10 do not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claims attempt to define the subject matter thereof in terms of the result achieved, which equates only to a statement of the identified problem but does not disclose the technical features necessary for achieving that result.