

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 098981-4732	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2017/015451	International filing date (<i>day/month/year</i>) 27 January 2017 (27.01.2017)	Priority date (<i>day/month/year</i>) 30 December 2016 (30.12.2016)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant GOOGLE LLC			

<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 6 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 checked="" 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 checked="" 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 02 July 2019 (02.07.2019)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yukari Nakamura
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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/US2017/015451

International filing date (day/month/year)
27.01.2017

Priority date (day/month/year)
30.12.2016

International Patent Classification (IPC) or both national classification and IPC
INV. H04L12/26

Applicant
GOOGLE 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
D-80298 Munich
Tel. +49 89 2399 - 0
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Date of completion of this opinion

see form PCT/ISA/210

Authorized Officer

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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>1-20</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-20</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

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

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

Reference is made to the following document:

D1 US 6 530 065 B1 (MCDONALD DUNCAN R [US] ET AL) 4 March 2003
(2003-03-04)

section VIII

- 1 In present claims 1, 10 and 19, it is not clear, Article 6 PCT, what is meant by the expressions "client characteristic", "data delivery rules", "origination information", "source of the data request", or the technical features meant by such expressions.
- 1.1 In addition, claims 1 and 10 are apparently directed to testing a configuration but they do not comprise any feature which would perform a testing; additionally, it is not clear what is meant by the word "configuration".
- 1.2 In this sense, the present claims are directed to providing a report based on a response to a generated data request, which is done according to a client characteristic.

section V

- 2 Notwithstanding the above-indicated objection and as far as it can be understood from the wording of the claims, D1 already discloses the main features of claim 1 (refer to point 1.2 above), see in particular claim 27, column 29, lines 34 to 53.
- 2.1 In addition, D1 also discloses a method performing tests on circuits according to a certain topology, see e.g. column 5, lines 34 to 50.
- 2.2 The only apparently distinguishing feature between present claim 1 and the disclosure of D1 seems to be that the method is performed by a first server device requesting a response from a second service device. However, this seems to be a simple modification of the basic principle of D1, lying within the general design competence of a person skilled in the art, see e.g. figure 1B.
- 2.3 In addition, these arguments are also valid for independent Claim 10, which contains the same combination of features as claim 1 in terms of an apparatus claim, i.e. the apparatus (system) for carrying out the method of claim 1.

- 2.4 The same applies to independent Claim 19 which is directed to a computer readable medium essentially comprising instructions that cause a processor to carry out the method of claim 1.
- 2.5 Therefore, the subject-matter of Claims 1, 10 and 19 does not involve an inventive step, Article 33 (1), (3) PCT.
- 2.6 The additional features of the dependent claims seem to relate to minor design details and/or implementation measures, which are known or directly derivable from document D1 (see passages indicated in the search report) or constitute normal practice of a person skilled in the art. These claims thus, either alone or in combination, do not seem to add anything new or of inventive significance to any of the previously-referred claims.

section VII

- 3 The above-cited document D1 should be acknowledged and briefly discussed in the opening part of the description, Rule 5.1 (a) (ii) PCT, making clear any inventive contribution of the claimed invention over the prior art.
- 4 The independent claims should be drafted in a two-part form, having in their pre-characterizing part all features known from D1 (refer to point 2 above), Rule 6.3 (b) (ii) PCT.
- 5 The opening part of the description should be modified to bring it into agreement with any amended claim, Rule 5.1(a)(iii) PCT, if required.
- 6 The claims should include reference signs relating to the features referred to therein, Rule 6.2 (b) PCT.