

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/US2017/064057

International filing date (day/month/year)
30.11.2017

Priority date (day/month/year)
03.02.2017

International Patent Classification (IPC) or both national classification and IPC
INV. B32B5/02 B32B5/06 B32B5/10 B32B5/26

Applicant
NIKE INNOVATE C 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:



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Date of completion of this opinion

see form
PCT/ISA/210

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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	
	No: Claims	<u>1-20</u>
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

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1) PRIOR ART

The following documents are referred to in this communication:

- D1 GB 2 132 554 A (BRITISH UNITED SHOE MACHINERY) 11 July 1984
 (1984-07-11)
- D2 EP 2 006 444 A2 (ICHIKAWA CO LTD [JP]) 24 December 2008
 (2008-12-24)

2) ART 33(2) PCT-NOVELTY

The subject-matter of claims 1-20 is not new in the sense of Article 33(2) PCT .

2.1) The document D1 discloses (see D1:page 1, line 29 - page 4, line 50; claims 1-27; figures 1-4):

a component of an article of footwear, the component comprising: a first fiber layer comprising a first plurality of fibers; and a foundation scrim, wherein at least a portion of the foundation scrim is formed from a composition comprising a thermoplastic material, wherein at least one of a melt temperature and a softening temperature of the thermoplastic material is lower than at least one of a melt temperature, a softening temperature, and a decomposition temperature of the first plurality of fibers, and wherein at least a portion of the first plurality of fibers extends into the foundation scrim and is entangled with the foundation scrim.

The subject-matter of the independent claim 1 is therefore not new (Article 33(2) PCT).

2.2) D1 also discloses the features of claims 2-20(see D1:page 1, line 29 - page 4, line 50; claims 1-27; figures 1-4).

2.3) D2 also discloses the features of claims 1-20 (see D2: paragraph [0009]; figures 1-2)

4) ART 33(4) PCT - INDUSTRIAL APPLICABILITY

The claims 1-20 are considered industrially applicable in the sense of Article 33(4) PCT.

Re Item VII

Certain defects in the international application

5.1) The requirements of Rule 5.1(a)(ii) PCT are not met, the relevant background art disclosed in the documents D1-D6 is not mentioned in the description, nor are these documents identified therein.

5.2) The independent claims have not been properly cast in the two part form, with those features which in combination are part of the prior art (see documents D1-D2) being placed in the preamble; Rule 6.3(b) PCT.

Re Item VIII

Certain observations on the international application

5.3) The term "scrim in the technical field is considered by the skilled person as "net" or "mesh". In the present description page 19 lines 2-3, the term scrim englobes subject like snap, zip, button, sensor, bladder) which are not considered as scrim by the skilled person but as insert. These passages render the scope of claim 1 unclear contrary to A6PCT.

5.4) The passages on page 77 line 3-page 78 line 3 of the present description do not respect the international preliminary examination guidelines chapter 5.30. Article 6 PCT.

5.5) In view of the many independent claims in the same category a lack of clarity and conciseness results. Moreover, it appears that the various independent claims are not linked by same or corresponding special technical features in the sense of Rule 13.2 PCT.