

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)	26.06.2018
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Applicant's or agent's file reference 18019TWO	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/JP2018/015498	International filing date (day/month/year) 13.04.2018	Priority date (day/month/year) 20.04.2017
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International Patent Classification (IPC) or both national classification and IPC
B60K35/00 (2006.01) i, B60R11/02 (2006.01) i, G02B27/01 (2006.01) i

Applicant
NIPPON SEIKI CO., LTD.

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.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2018/015498

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
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/JP2018/015498
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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		
1. Statement	Novelty (N)	Claims <u>2</u>	YES
		Claims <u>1, 3</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-3</u>	NO
	Industrial applicability (IA)	Claims <u>1-3</u>	YES
		Claims _____	NO

2. Citations and explanations:

Document 1: JP 2012-150420 A (LITEON IT CORP.) 09 August 2012, paragraphs [0009]-[0018], fig. 1-5 & US 2012/0188650 A1, paragraphs [0024]-[0045], fig. 1-5 & CN 102608761 A

Document 2: JP 2014-143850 A (YAZAKI CORP.) 07 August 2014, paragraphs [0086]-[0098], fig. 4, 9 (Family: none)

Document 3: JP 2014-222265 A (YAZAKI CORP.) 27 November 2014, paragraphs [0011]-[0043], fig. 1-9 & WO 2014/185252 A1

The invention as in claim 1 lacks novelty and does not involve an inventive step in light of document 1 or 2 cited in the ISR. Document 1 does not describe setting an obstruction-placement-proscribed area which is set forth in claim 1. However, document 1 (fig. 3) describes a state where the leading end of a spectroscope 11 is positioned higher than the spectroscope leading end position in fig. 4 when the spectroscope 11 is shifted from the housed position in fig. 2 to the position in fig. 4. Document 2 also describes a configuration in

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 when a combiner 3 is shifted from the stored position in fig. 9(a) to a position where the combiner inclines in fig. 9(c), the leading end of the combiner is temporarily positioned higher than the final position. Where to set the obstruction-placement-proscribed area is merely determined artificially.

Thus, the invention as in claim 1 lacks novelty and does not involve an inventive step in light of document 1 or 2.

The invention as in claim 2 does not involve an inventive step in light of documents 1 and 3 cited in the ISR. The invention as in claim 2 and the invention disclosed in document 1 are different from each other in terms of the combiner driving mechanism. However, combining, as appropriate, the driving mechanism with a gear member, a cam lever, etc., in order to cause the combiner to shift in a desired manner is merely a conventionally well-known feature as described in document 3. Thus, a person skilled in the art could easily conceive of the invention as in claim 2 by applying the well-known feature to the invention disclosed in document 1.

The invention as in claim 3 lacks novelty and does not involve an inventive step in light of document 1 or 2 cited in the ISR. Document 1 does not describe setting of an upper surface which is set forth in claim 3.

However, document 1 (fig. 3) describes a state where the leading end of a spectroscope 11 is positioned higher than the spectroscope leading end position in fig. 4 when the spectroscope 11 is shifted from the housed position

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2018/015498

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

in fig. 2 to the position in fig. 4. Document 2 also describes a configuration in which when the combiner 3 is shifted from the stored position in fig. 9(a) to the position where the combiner inclines in fig. 9(c), the leading end of the combiner is temporarily positioned higher than the final position. Where to set the upper surface is merely determined artificially.

Thus, the invention as in claim 3 lacks novelty and does not involve an inventive step in light of document 1 or 2.