

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
 100037  
 China 8th Floor, Vantone New World Plaza, 2  
 Fuchengmenwai Street, Xicheng District, Beijing  
  
 CCPIT PATENT AND TRADEMARK LAW OFFICE

## PCT

WRITTEN OPINION OF THE  
 INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>IEM170076PCT</b>		Date of mailing (day/month/year) <b>08 May 2018</b>
<b>FOR FURTHER ACTION</b> See paragraph 2 below		
International application No. <b>PCT/CN2017/096337</b>	International filing date (day/month/year) <b>08 August 2017</b>	Priority date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC A61B 18/12(2006.01)i		
Applicant <b>COVIDIEN LP et al</b>		

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 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/ <b>STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.CHINA China 6, Xitucheng Rd., Jimen Bridge, Haidian District, Beijing 100088</b>	Date of completion of this opinion <b>02 May 2018</b>	Authorized officer  <b>KONG,Xiangyun</b>
Facsimile No. (86—10) 62019451	Telephone No. 86-(10)-53962489	

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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 43*bis*.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 13*ter*.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 13*ter*.1(a)).
    - on paper or in the form of an image file (Rule 13*ter*.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 and industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	<u>1-15</u>	YES
	Claims	<u>None</u>	NO
Inventive step (IS)	Claims	<u>1-15</u>	YES
	Claims	<u>None</u>	NO
Industrial applicability (IA)	Claims	<u>1-15</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations :

[1] Opinions below are based on the suppose mentioned in the Box No. VIII.

[2] Reference is made to the following document (D):

[3] D1: CN 106063722A

[5] **Novelty and Inventive step**

[6] Claim 1 refers to an electrosurgical instrument. D1 discloses an electrosurgical forceps 100 (see description, paragraphs [0041]-[0052] and figures 1-5), comprising: first and second shaft members 110, 120 having respective first and second jaw members 150, 160 (see description, paragraph [0042]), the first and second shaft members 110, 120 configured for relative movement about a coupling interface 116, 126 to position the first and second jaw members 150, 160 in open and approximated conditions (see description, paragraphs [0047], [0049] and figures 1, 4A), the first and second jaw members 150, 160 having tissue contacting surfaces 152, 162 configured to communicate electrosurgical energy therebetween (see description, paragraphs [0050]-[0051] and figure 1), the coupling interface 116, 126 including at least one insulative member 128 configured to electrically isolate the first and second shaft members 110, 120 (see description, paragraph [0048]).

[7] D1 does not disclose the following features of claim 1: (1) a polymer coating overlapping the at least one insulative member and the coupling interface to secure the at least one insulative member relative to the coupling interface.

[8] Claim 2 refers to an electrosurgical instrument. D1 discloses an electrosurgical forceps 100 (see description, paragraphs [0041]-[0052] and figures 1-5), comprising: a first shaft member 110 including a first interface segment 116 and a first jaw member 150 having a first tissue contacting surface 152; a second shaft member 120 including a second interface segment 126 and a second jaw member 160 having a second tissue contacting surface 162 configured to cooperate with the first tissue contacting surface 152 to communicate electrosurgical energy therebetween (see description, paragraphs [0042], [0047], [0049]-[0051] and figures 1, 4A); a coupling member 170 extending between the first interface segment 116 of the first shaft member 110 and the second interface segment 126 of the second shaft member 120 to couple the first and second shaft members 110, 120 and being configured to permit relative movement of the first and second shaft members 110, 120 to position the first and second jaw members 150, 160 in open and approximated conditions (see description, paragraph [0049] and figures 1, 4A); second insulative shim 128 disposed adjacent the second interface segment 126, the second insulative shim 128 configured to electrically isolate the first and second shaft members 110, 120.

[9] D1 does not disclose the following features of claim 2: (2) first insulative shim disposed adjacent the first interface segment, the first insulative shim configured to electrically isolate the first and second shaft members, (3) a polymer coating at least partially overlapping the first insulative shim and the first interface segment and at least partially overlapping the second insulative shim and the second interface segment to respectively secure the first and second insulative shims relative to the first and second interface segments.

[10] Claim 8 refers to a method for manufacturing an electrosurgical instrument. D1 discloses a method for manufacturing an electrosurgical forceps 100 (see description, paragraphs [0041]-[0052] and figures 1-5), comprising: providing first and second shaft members 110, 120 having respective first and second jaw members 150, 160 (see description, paragraph [0042]); mounting at least one insulative member 128

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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

adjacent a coupling interface 116, 126 of the first and second shaft members 110, 120 (see description, paragraph [0048]); coupling the first and second shaft members 110, 120 at the coupling interface 116, 126 whereby the first and second shaft members 110, 120 are configured for relative movement to position the first and second jaw members 150, 160 in open and approximated conditions (see description, paragraph [0049]).

- [11] D1 does not disclose the following features of claim 8: (4) depositing a polymer coating to overlap the at least one insulative member and the coupling interface to secure the at least one insulative member relative to the coupling interface.
- [12] Therefore, the subject-matter of claims 1, 2 and 8 is considered novel in the sense of Article 33(2) PCT.
- [13] The above features (2) are normal technical means for a person skilled in the art. The above features (1), (3) and (4) are neither indicated from the prior art, nor well known in the art, therefore claims 1, 2 and 8 meet the requirements of Article 33(3) PCT.
- [14] Consequently, dependent claims 3-7 and 9-15 are considered novel in the sense of Article 33(2) PCT, and meet the requirements of Article 33(3) PCT.
- [15] **Industrial applicability**
- [16] The inventions of claims 1-15 can find industrial applicability in the technical field of electrosurgical instrument and meet the requirements of Article 33(4) PCT.

**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:

- [1] Claims 11 does not meet the requirements of Article 6 PCT in that the subject matter of claim 11 is different from that of claim 10 on which claim 11 depends.
- [2] Claims 15 does not meet the requirements of Article 6 PCT in that the subject matter of claim 15 is different from that of claim 14 on which claim 15 depends.
- [3] It is supposed that the subject matter of claim 11 and 15 is amended to “method”.