

# PATENT COOPERATION TREATY

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INTERNATIONAL SEARCHING AUTHORITY

# PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)**

To:

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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/EP2018/073444

International filing date (day/month/year)  
31.08.2018

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05.09.2017

International Patent Classification (IPC) or both national classification and IPC  
INV. A01M23/30

Applicant  
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**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

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**Box No. I Basis of the opinion**

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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)	Yes: Claims	<u>1-3</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>2</u>
	No: Claims	<u>1, 3</u>
Industrial applicability (IA)	Yes: Claims	<u>1-3</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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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**

## ITEM V

### 1. State of the art

The searching authority has retrieved the following relevant documents during the search procedure. The numbering of the documents will adhere during the whole procedure:

Reference is made to the following documents:

- D1 US 4 685 245 A (LAPIER THEODORE M [US]) 11 August 1987 (1987-08-11)
- D2 WO 2017/078546 A1 (REDMAYNE JOHN MICHAEL [NZ]) 11 May 2017 (2017-05-11)
- D3 US 2004/103578 A1 (HAGEN DAVID [US] ET AL) 3 June 2004 (2004-06-03)

### 2. Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT. The following features are known from D1:

- A trap for killing animals, such as rodents, comprising a cabinet [*please view fig.8, refnr.98*] with an entrance [*please view fig.8, refnr.102*] to a room [*please view fig.8, inside the walls refnr.100*] from which bait [*please view fig.8, refnr.106*] is accessible and where there is
- a contact organ [*please view fig.9, refnr.110*], which by contact of the animal releases
- a plunger [*please view fig.9, refnrs.30, 42, 44*], which moves through the room by
- means of spring force [*please view fig.9, refnr.48*] and kills the animal

- the plunger is being released from a loaded position via a trigger mechanism comprising
  - a projection, an edge [*please view fig.9, refnr.126*], on the outside of the plunger, which projection/edge, abuts a trigger mechanism/rocker arm [*please view fig.9, refnr.128*], which is moved away from the projection, when the contact organ [*please view fig.9, refnr.110*] is affected, wherein
  - the contact organ [*please view fig.9, refnr.110*] consists of a stiff connecting member [*please view fig.9, refnr.112*], which extends from the room under the bait and to the one end of the rocker arm and where the opposite end in loaded position abuts the projection.

The novel feature over D1 is the following:

- the plunger is retrieved to loaded position by means of an actuator driven by an electric motor,

The technical effect is that the spring is compressed. The objective technical problem is to develop the known mouse trap in a way that the plunger is brought from a released position into a loaded position against the force of the spring. Document D2 shows several possibilities how a plunger of a mouse trap can be brought from a released position into a loaded position. Please view figs.12, 13, 14 where an electric motor is used to work against the power of the spring and drive the plunger into a loaded position. For a person skilled in the art it is easy, when posed the objective problem, to look into D2 and find the solution being exactly the missing novel feature.

Therefore claim 1 is not inventive over a combination of documents D1 and D2.

Claim 2 is considered to be novel and inventive.

Claim 3 is not inventive over a combination of the Documents D1 and D2 and the common general knowledge of the skilled person. The solution of claim 3 is seen as trivial and obvious. A mere positioning of a trap, so that the entrance faces downwards cannot justify an inventive step.

## **ITEM VIII**

1. Article 6 PCT - Clarity

Article 6 PCT states that the claims shall describe the subject-matter of the invention in technical terms for which protection is sought. The claims shall be clear and concise and supported by the description. Claim 1 is unclear because the wording projection and edge are used for the same feature.