

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:  FRIEDMAN Mark Moshe Aviv tower 54th Floor 7 Jabotinski St. Ramat-Gan 5252007 Israel		
		Date of mailing <i>(day/month/year)</i> 18 Dec 2018
Applicant's or agent's file reference 6942-7		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/IL2018/051001	International filing date <i>(day/month/year)</i> 06 Sep 2018	Priority date <i>(day/month/year)</i> 07 Sep 2017
International Patent Classification (IPC) or both national classification and IPC IPC (2018.01) E02B 17/04		
Applicant Sea Top Homes Ltd. et al		

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: Israel Patent Office Technology Park, Bldg.5, Malcha, Jerusalem, 9695101, Israel Facsimile No. 972-2-5651616	Date of completion of this opinion 18 Dec 2018	Authorized officer SABHAT Avraham  Telephone No. 02-5651835
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/IL2018/051001

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 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:

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 4,5	YES
	Claims 1-3,6-18	NO
Inventive step (IS)	Claims 4,5	YES
	Claims 1-3,6-18	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2. Citations and explanations:

**1. References are made to the following document:**

[D1]: TW201706483 A (Syu) Feb. 16, 2017

**2. Lack of novelty:**

The present application does not meet the criteria set forth in Article 33(1) PCT, because the subject matter of claim 1 lacks novelty in the sense of Article 33(2) PCT.

**With reference to independent claim 1:**

D1 describes (the reference signs and paragraphs between parentheses apply to this document):

A marine habitation system comprising:

a habitable chamber ([D1]: Fig. 1; room body 200); and, a column in communication with the habitable chamber at a first end and including a second end ([D1]: Fig. 5; connection rod 320), opposite the first end, for mounting in the sea bed ([D1]: Fig. 2; fixed stand 330), wherein the chamber is moveable with respect to the column to adjust for variable sea water levels ([D1]: [0028]).

Therefore, the subject matter of claim 1 lacks novelty under Article 33(2) PCT.

**With reference to independent claim 16:**

Claim 16 does not supplement any technical feature with reference to corresponding independent claim 1, therefore the same objection to claim 1 applies *mutatis mutandis*.

### **3. Lack of Novelty:**

The present application does not meet the criteria set forth in Article 33(1) PCT, because the subject matter of claims 2, 3, 6-8, 17 and 18 lacks novelty in the sense of Article 33(2) PCT.

#### With reference to claims 2, 3, 17 and 18:

D1 further teaches a column portion that is in communication with the platform of the habitable chamber which is configured to move vertically and with respect to the column of the habitable chamber in order to adjust the height (**[D1]: implicit from [0028] | Fig. 2**).

#### With reference to claim 6:

D1 further teaches an anchored column that is mounted in the sea bed (**[D1]: [0028] | Fig. 5; connection rod 320**).

#### With reference to claim 7:

D1 further teaches a cover over a portion of the platform (**[D1]: Fig. 3; conduction installment 100**).

#### With reference to claim 8:

D1 further teaches a sink resistant base for supporting the column (**[D1]: Fig. 5; fixed stand 330**).

### **4. Lack of inventive step**

The present application does not meet the criteria set forth in Article 33(1) PCT, because the subject matter of claims 9-15 lacks inventive step in the sense of Article 33(3) PCT.

#### With reference to claim 9-11:

Implementing an opening on the sink resisting base in order to transfer the column through and into the sea bed would be considered as a straightforward implementation to a person skill in the art, without the involvement of inventive step.

#### With reference to claims 12-15:

Attaching a tethered anchor which include a shock absorber and can be adjustable in its length to a column in order to maintain the column in vertical orientation would be considered as a straightforward option to a person skill in the art, without the involvement of inventive step.

**5. Allowable subject matter:**

Claims 4 and 5 meets the criteria set out in PCT Article 33(2) and (3) PCT. Neither D1 nor any other prior art found, teaches or fairly suggest, alone or in combination as follows:

With reference to claims 4 and 5:

A column portion configured to rotate. The subject matter of said claims involves inventive step since it provide safe and protection from strong winds (minimize wind resistance). It wouldn't have been obvious to the person skilled in the art to implement rotation in the structure of D1 without applying inventive step.

**6. Industrial Applicability**

The invention defined in claims 1 - 18 are considered to meet the requirements of industrial applicability under Article 33(4) of the PCT.