

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 10274-WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2018/000822	International filing date (<i>day/month/year</i>) 30 July 2018 (30.07.2018)	Priority date (<i>day/month/year</i>) 23 September 2017 (23.09.2017)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant WAGO VERWALTUNGSGESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<p align="center">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 24 March 2020 (24.03.2020)</p>
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From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 10274-WO		Date of mailing (day/month/year) 30 October 2018
International application No. PCT/IB2018/000822		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 30 July 2018	Priority date (day/month/year) 23 September 2017	
International Patent Classification (IPC) or both national classification and IPC G05B 19/042(2006.01)i; G05B 19/418(2006.01)i		
Applicant WAGO VERWALTUNGSGESELLSCHAFT MIT BESCHRÄNKTER...		

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/	Date of completion of this opinion	Authorized officer

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2018/000822

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:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2018/000822**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 Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2018/000822**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 Supplemental Box

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2018/000822

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Reference is made to the following documents:

D1	DE 10 2010 020446 A1 (WAGO VERWALTUNGS GMBH [DE]) 17 November 2011 (2011-11-17) cited in the application
D2	EP 1 349 024 A2 (SICK AG [DE]) 1 October 2003 (2003-10-01)
D3	DE 10 2013 106572 A1 (WEIDMÜLLER INTERFACE GMBH & CO KG [DE]) 24 December 2014 (2014-12-24)

Box V:**[1] Novelty and inventive step (PCT Article 33)**

[1.1] Irrespective of the lack of clarity mentioned below, the subject matter of claim 1 is also not novel (PCT Article 33(2)), and therefore the requirements of PCT Article 33(1) are not met.

[1.2] D1 discloses

A circuit for coupling a fieldbus and a local bus (abstract, figure 1), - with a fieldbus controller designed to transmit and receive process data via the fieldbus (paragraph 0043), - with a local bus controller designed to transmit and receive the process data via the local bus (paragraph 0045), - with a data management unit, wherein the data management unit is connected to the fieldbus controller and the local bus controller, and wherein the data management unit is designed to transfer the process data between the fieldbus controller and the local bus controller (paragraph 0044), - with a memory area, wherein the memory area is connected to the data management unit for copying and storing the process data (paragraph 0043), and - with a processor, wherein the processor is connected to the data management unit, and wherein the processor is connected to the memory area, wherein the processor is designed to set the data management unit to copy the process data into the memory area, wherein the processor is designed to read out process data copied into the memory area (paragraph 0045).

Thus D1 discloses all the features of claim 1 in combination.

[1.3] The subject matter of claim 1 is also anticipated in the light of the passages of documents D2 and D3 cited in the search report.

[1.4] The above arguments also apply, mutatis mutandis, to the corresponding independent claims 14 and 15.

[1.5] Proceeding from the passages of documents D1-D3 indicated in the search report, the subject matter of dependent claims 2-13 falls within the scope of routine implementation details in the art. The subject matter of claims 2-13 is therefore not inventive (PCT Article 33(3)).

Box VII:**[2] Certain defects in the international application**

[2.1] The claims have not been drafted in the two-part form (PCT Rule 6.3(b)(i) and (ii)).

[2.2] The prior art addressed is not sufficiently indicated in the description (PCT Rule 5.1(a)(ii)).

Box VIII:**[3] Certain observations on the international application (PCT Article 6)**

[3.1] The application also does not meet the requirements of PCT Article 6 because claims 1, 14 and 15 in combination are unclear:

[3.2] Independent device claim 1 does not contain the feature: "*cyclically transmitting a data package within a cyclic framework (CF)*" which is found in independent method claims 14 and 15 and appears essential to the invention.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2018/000822**Supplemental Box**

In this context, reference is made to PCT Guidelines, Part II, paragraph 5.33, according to which each independent claim must contain all essential features of the invention. (PCT Article 6).