

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: RAKHI D. NIKHANJ
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **10 DEC 2018**

Applicant's or agent's file reference 574.00010201	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/US 18/53508	International filing date (day/month/year) 28 September 2018 (28.09.2018)	Priority date (day/month/year) 29 September 2017 (29.09.2017)
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International Patent Classification (IPC) or both national classification and IPC
IPC(8) - B60R 9/00; B60P 1/00; B60P 3/00; B60D 1/00 (2018.01)
CPC - B60R 9/00; B60P 1/00; B60P 3/00; B60D 1/00; B65G 9/20

Applicant **CITY AUTO GLASS, INC.**

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/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-8300	Date of completion of this opinion 20 November 2018	Authorized officer Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 18/53508

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:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 18/53508

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.

claims Nos. 2-24, 26-48

because:

the said international application, or the said claims Nos. _____ relate to the following subject matter which does not require an international search (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 2-24, 26-48 are so unclear that no meaningful opinion could be formed (*specify*):

because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

no international search report has been established for said claims Nos. 2-24, 26-48

a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

furnish a sequence listing in the form of an Annex C/ST.25 text file, and such listing was not available to the International Searching Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

furnish a sequence listing on paper or in the form of an image file complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13*ter*.1(a) or (b).

See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 18/53508

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	1, 25	YES
		Claims	None	NO
	Inventive step (IS)	Claims	None	YES
		Claims	1, 25	NO
	Industrial applicability (IA)	Claims	1, 25	YES
		Claims	None	NO
<p>2. Citations and explanations:</p> <p>Claims 1 and 25 lack an inventive step under PCT Article 33(3) as being obvious over US 2014/0119864 A1 (KIRAGU) in view of US 5,199,686 A to FLETCHER (hereinafter Fletcher).</p> <p>As pertaining to claim 1, Kiragu teaches a system comprising: a platform (12, 14; Fig. 1-7; para [0018]) having a first end (end of 12, 14, indicated by 26; Fig. 1) and a second end (end of 12, 14, indicated by 14; Fig. 1); wheels coupled to the platform, whereby the platform is portable (22; Fig. 1; para [0019]); a hitch coupled to the platform towards the second end (48; Fig. 1; para [0023]); a ramp connector defined by the platform towards the first end (hinge connection at 26; Fig. 1; para [0020]); but is silent wherein comprising: a self-leveling system (see Box VIII) in communication with the platform comprising: a plurality of jacks coupled to the platform; a power source in communication with the plurality of jacks; and a user interface in operable communication with the power source. However, Fletcher teaches a system (collectively Fig. 1; col 3 ln 19-30) comprising: a platform (24; Fig. 1); a self-leveling system (instances of 10, 28, hydraulic flow reservoir and pump 34, 36; Fig. 1, 6-7; col 3 ln 19-30, col 3 ln 47-61) in communication with the platform comprising: a plurality of jacks coupled to the platform (instances of 10, 28; Fig. 1, 6); a power source in communication with the plurality of jacks (hydraulic flow reservoir and pump 34, 36; Fig. 7; col 4 ln 1-8); and a user interface in operable communication with the power source (manual override options; col 4 ln 9-22, col 4 ln 55-57). Accordingly, it would have been obvious to a person having ordinary skill in the art to have employed the self-leveling system of Fletcher upon the system of Kiragu, in order to better balance the platform while weight is shifting or during loading and unloading.</p> <p>As pertaining to claim 25, Kiragu teaches a system comprising: a platform (12, 14; Fig. 1-7; para [0018]) having a first end (end of 12, 14, indicated by 26; Fig. 1) and a second end (end of 12, 14, indicated by 14; Fig. 1); wheels coupled to the platform, whereby the platform is portable (22; Fig. 1; para [0019]); a hitch coupled to the platform towards the second end (48; Fig. 1; para [0023]); a ramp defined by the platform towards the first end (24; Fig. 1; para [0020]); but is silent wherein comprising a self-leveling system (see Box VIII) in communication with the platform comprising: a plurality of jacks coupled to the platform; a power source in communication with the plurality of jacks; and a user interface in operable communication with the power source. However, Fletcher teaches a system (collectively Fig. 1; col 3 ln 19-30) comprising: a platform (24; Fig. 1); a self-leveling system (instances of 10, 28, hydraulic flow reservoir and pump 34, 36; Fig. 1, 6-7; col 3 ln 19-30, col 3 ln 47-61) in communication with the platform comprising: a plurality of jacks coupled to the platform (instances of 10, 28; Fig. 1, 6); a power source in communication with the plurality of jacks (hydraulic flow reservoir and pump 34, 36; Fig. 7; col 4 ln 1-8); and a user interface in operable communication with the power source (manual override options; col 4 ln 9-22, col 4 ln 55-57). Accordingly, it would have been obvious to a person having ordinary skill in the art to have employed the self-leveling system of Fletcher upon the system of Kiragu, in order to better balance the platform while weight is shifting or during loading and unloading.</p> <p>Claims 1 and 25 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used by industry.</p>				

WRITTEN OPINION OF THE
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International application No.

PCT/US 18/53508

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:

Claim 1: The recitation "a self-leveling system" lacks clarity and is confusing. Specifically, the Applicant claims "a self-leveling system," and goes on to further limit the structure with additional components. However, the Applicant does not further define or limit the self-leveling aspect of the system. For purposes of this opinion, "a self-leveling system" has been interpreted to mean "a system capable of adjusting a level."

Claim 25: The recitation "a self-leveling system" lacks clarity and is confusing. Specifically, the Applicant claims "a self-leveling system," and goes on to further limit the structure with additional components. However, the Applicant does not further define or limit the self-leveling aspect of the system. For purposes of this opinion, "a self-leveling system" has been interpreted to mean "a system capable of adjusting a level."