

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing <i>(day/month/year)</i> 08 August 2019	
Applicant's or agent's file reference 19310.2	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2019/061274	International filing date <i>(day/month/year)</i> 02 May 2019
Priority date <i>(day/month/year)</i> 09 May 2018	
International Patent Classification (IPC) or both national classification and IPC B65G 49/04(2006.01)i	
Applicant EISENMANN SE	

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
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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 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 and industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4, 5, 7, 8	YES
	Claims	1-3, 6, 9-11	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims	_____	NO
2. Citations and explanations :			
See Supplemental Box			

**WRITTEN OPINION OF THE
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International application No.

PCT/EP2019/061274**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

Supplemental Box

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

Box V

Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

Documents

[1] Reference is made to the following documents:

D1	JP H01 313216 A (DAIFUKU KK) 18 December 1989 (1989-12-18)
D2	US 2001/019004 A1 (SAGANE CHITOSHI [JP] ET AL) 6 September 2001 (2001-09-06)
D3	DE 10 2006 010688 A1 (ZIMMERMANN HERBERT [DE]) 13 September 2007 (2007-09-13)
D4	WO 2016/150543 A1 (EISENMANN SE [DE]) 29 September 2016 (2016-09-29)

Novelty and inventive step

[2] The present application fails to comply with the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

[2.1] D1 discloses, in the abstract and in particular in figures 2 and 4-6 (the references between parentheses relate to said document):

A dip treatment system for treating vehicle bodies (56), comprising a) a dipping tank (27, "liquid tank"), which can be filled with a treatment liquid, into which vehicle bodies to be treated can be fully or partially dipped;

b) a conveying system (see figure 2), which defines a conveying path (25, figure 4) and comprises at least one transport carriage (see figure 2), which can be displaced along the conveying path in a transport direction (see arrows, figures 4-6) and comprises a fastening device (50) to which at least one vehicle body can be fastened, wherein

c) the conveying system can convey the vehicle bodies to be treated towards the dipping tank, fully or partially into the interior of the dipping tank, out of the dipping tank and away therefrom (figures 4-6); and wherein

d) the conveying path of the conveying system is divided into sub-paths (25, 26, 27, see figures 5-6), of which at least one first sub-path (26) leads to the dipping tank or to a dipping region of the dipping tank and of which a second sub-path (27) leads past this dipping tank or this dipping region of this dipping tank.

[2.2] Moreover, it should be noted that D2 is also prejudicial to the novelty of the subject matter of claim 1.

[3] The above reasoning also applies to the subject matter of method claim 10.

[4] Dependent claims 2-9 and 11 do not contain any features which meet the requirements of the PCT in respect of novelty and/or inventive step.

[4.1] D1 unquestionably discloses the technical features of claims 2, 3, 6, 9 and 11. The subject matter of said claims is therefore not novel.

[4.2] D2 unquestionably discloses the technical features of claims 2, 6, 9 and 11. The subject matter of said claims is therefore not novel.

[4.3] The technical features of claims 4 and 5 are considered to be routine measures in the art for a person skilled in the art. In particular, these system modifications concern the multiplication of known features (i.e. a plurality of bypass systems). The subject matter of said claims is therefore not inventive.

Supplemental Box

- [4.4] The technical features of claims 7 and 8 are considered obvious to a person skilled in the art in relation to the disclosure of D1 and D3 (see figure 5). The use of a switch system to increase the flexibility or productivity of an overhead conveyor is known in the field under discussion (see also D4: figure 9); a person skilled in the art would deem the arrangement of such a switch in the system discussed in D1 to be a routine matter in the art. The subject matter of said claims therefore does not involve an inventive step.

Box VII**Certain defects in the international application**

- [5] Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite D1-D3 or indicate the relevant prior art disclosed therein.