

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

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

To:

see form PCT/ISA/220

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/IN2018/050781

International filing date (day/month/year)
26.11.2018

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
INV. B41J3/407 B41J3/54 B41F15/08 B41J2/21

Applicant
MAHESHWARI, SANJAY CHANDRAMOHAN

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

see form
PCT/ISA/210

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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:

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)	Yes: Claims	<u>2</u>
	No: Claims	<u>1, 3-5</u>
Inventive step (IS)	Yes: Claims	<u>2</u>
	No: Claims	<u>1, 3-5</u>
Industrial applicability (IA)	Yes: Claims	<u>1-5</u>
	No: Claims	

2. Citations and explanations

see separate sheet

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 separate sheet

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 separate sheet

Re Item VIII

Certain observations on the international application

1. The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

1.1 The term "diluted ink" used in claim 1 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT. It is clear that an ink can only be defined as "diluted" in relation to to an other ink, in this case, the white base (of claim 2).

1.2 It is clear from the description and from claim 2 that the feature "white base" is essential to the definition of the invention. Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

1.3 From items 1.1 and 1.2 above, the following should be added to claim 1:

- the feature white base ink, and
- the concept of splitting a given white underbase into said white base and a diluted white ink.

2. The application does not meet the requirements of Article 6 PCT, because claim 2 is not clear.

2.1 It is clear from the description and from claim 1 that the feature "screen printer" (as defined in claim 1) and/or "virtual screens" (as defined in claim 1) is essential to the definition of the invention. Since independent claim 2 does not contain these features they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

2.2 From item 2.1 above, the following should be added to claim 2: using a printing apparatus having all the features of claim 1.

2.3 The terms used in claim 2 are vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT. The vague and unclear passages are :

- "(diluted white)_{diluted1}",
- (Org white) : there is no "org" and "org white" defined,
- (new white): there is no "new white" defined,
- "(diluted white)_{diluted n}".

3. The application does not meet the requirements of Article 6 PCT, because claim 5 is not clear.

A claim for a product defined in terms of a process of manufacture is allowable only if the product as such fulfil the requirements for patentability, i.e. inter alia that the product itself is new and inventive. A product is not automatically rendered new and inventive because it is manufactured by a new and inventive process.

Because product (apparatus) claim 5 is defined only in terms of a manufacturing method, claim 5 is not novel (since said claim is silent about any technical features at all relating to the "Articles" of claim 5). it appears that claim 5 should be deleted.

Re Item VII

Certain defects in the international application

4. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art D1 being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

5. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item V

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

Reference is made to the following documents:

- D1 WO 2007/099554 A2 (MAHESHWARI SANJAY CHANDERMOHAN [IN]) 7 September 2007 (2007-09-07) cited in the application
- D2 US 2006/207448 A1 (FRESENER SCOTT O [US] ET AL) 21 September 2006 (2006-09-21)
- D3 WO 2013/008244 A1 (MAHESHWARI SANJAY CHANDERMOHAN [IN]) 17 January 2013 (2013-01-17)

The document D1 has been cited by the applicant in the description.

The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claim 1 is not new.

D1 discloses a printing apparatus, which is configured from one of the following (the wording "from one of" defines an OR operator between the three optional choices i), ii) and iii)):

- i) a combination of digital printer and a screen printer;
- ii) a screen printer (see D1 claim 1 last paragraph: selected from ... screen printing device); and
- iii) a screen/plate less digital printer employing virtual screens;

wherein the apparatus employing more than one screen (claim 1 does not define a system made of a printing apparatus and more than one screen but solely a printing apparatus which employs, i.e., uses more than one screen. This is indeed the case in every screen printing machines using inherently more than an unique screen) to print white underbase (D1, claim 1 first paragraph) where one or more diluted white ink screen (D1, claim 1 first paragraph: "including production of (modified) separations) is used.

Claim 2: The subject-matter of independent claim 2 does not appear to be disclosed in the available documents.

Claim 3: A controller is implicitly also known from D1.

Claim 4: Online and offline devices are known from D1 claim 1.

Claim 5: not novel for the reasons given in item 3. above.