

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R28210WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2017/067391	International filing date (<i>day/month/year</i>) 11.07.2017	Priority date (<i>day/month/year</i>) 27.07.2016
International Patent Classification (IPC) or national classification and IPC		
Applicant ALLFLEX EUROPE		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows: ☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). ☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). ☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)) b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing, in the form of an Annex C/ST.25 text file, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3ter of Annex C of the Administrative Instructions).	4. This report contains indications relating to the following items: <table><tr><td>☒</td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td>☐</td><td>Box No. II</td><td>Priority</td></tr><tr><td>☐</td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>☐</td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td>☒</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>☐</td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td>☒</td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td>☐</td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>	☒	Box No. I	Basis of the report	☐	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 Article 35(2) with regard to novelty, inventive step or 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
☒	Box No. I	Basis of the report																							
☐	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 Article 35(2) with regard to novelty, inventive step or 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																							

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. I Basis of the report

- With regard to the **language**, this report is based on:
- ☒ 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))
 - ☐ publication of the international application (Rule 12.4(a))
 - ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))
 - With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished
☒ the description:
 - pages 1-11 as originally filed/furnished.
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____☒ the claims:
 - Nos. _____ as originally filed/furnished.
 - Nos.* _____ as amended (together with any statement) under Article 19
 - Nos.* 1-13 received by this Authority on with letter of 15.12.2017☒ the drawings:
 - pages 1/4-4/4 as originally filed/furnished.
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____☐ a sequence listing – see Supplemental Box Relating to Sequence Listing.
 - ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rule 70.2(c) and (c-bis)):
 - ☐ the description, pages _____
 - ☐ the claims, Nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ This report has been established:
 - ☐ taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
 - ☐ without taking into account **the rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rules 66.1bis and 70.2(e)).
 - With regard to top-up searches (Rules 66.1ter and 70.2(f)):

☒ A top-up search was carried out by this Authority on 08.06.2018
☐ Additional relevant documents have been discovered during the top-up search.
☐ No top-up search was carried out by this Authority because it would serve no useful purpose.
☐ Supplementary international search report(s) from Authority(ies) _____
 - ☐ has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).
- * If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents: D1 US 4 953 313 A (SCOTT MICHAEL J [NZ]) 4 September 1990 (1990-09-04) D2 WO 91/10982 A1 (STAFFORD RODNEY ARTHUR [IE]; STAFFORD KATHERINE MANHEIM [IE]; KILROY M) 25 July 1991 (1991-07-25) D3 AU 2004 233 502 A1 (LEADER PRODUCTS PTY LTD) 16 June 2005 (2005-06-16) D4 JP 2005 065598 A (KYOWA GOSEI KK) 17 March 2005 (2005-03-17) D5 CN 201 967 479 U (SHANGHAI BIO TAG CO LTD) 14 September 2011 (2011-09-14) D6 ES 2 257 979 A1 (CROMASA IDENTIFICACION ELECTRO [ES]) 1 August 2006 (2006-08-01) 1 D1, which is considered to be the prior art closest to the subject matter of claim 1, discloses: "A female portion of an animal identification device, comprising a cavity (16) for receiving a			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	head of a male portion of said animal identification device, characterised in that said cavity comprises a locking element (18), provided inside said cavity, for retaining the head within the latter, said locking element (18) comprising a base (20, 25) and at least two elastic claws (19, 22, 21 in figures 1-8 and column 3, lines 52 to 57) extending from said base towards the entry of said cavity, the claws being movable between at least two positions (see figures 6 to 8), including a(n) ~~position preceding the insertion of the head in said cavity, referred to as insertion position in which said claws (22) are constrained in an open configuration and~~ allowing the head to be inserted into the cavity, and a ~~position, following the insertion of the head in the cavity and referred to as~~ locking position, for locking the head inside said cavity." 1.1 Consequently, the subject matter of claim 1 differs from this female portion of the known animal identification device in that it comprises a position, preceding the insertion of the head into the cavity, in which the claws (22) are constrained in an open configuration, and a position, following the insertion of the head into the cavity and referred to as locking position, for locking the head inside said cavity; it is therefore novel (PCT Article 33(2)). 1.2 The problem addressed by the present invention can therefore be considered that of simplifying the attachment of the male portion in the female

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

portion of an animal identification device.

- 1.3 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:

D1 does not disclose the features of claim 1 specifying that, in a position preceding the insertion of the male head in the female cavity, the claws of the locking member are constrained in an open configuration. Indeed, according to D1, it is the insertion of the male head into the cavity that forcibly deforms the sleeve (see column 3, lines 12-16). In D1, an additional effort is thus required to insert the male head into the female cavity.

D1 therefore clearly forms part of the prior art as described in the present application, in particular on page 4, lines 31-33: "It should be noted that the prior art systems require, on the contrary, that a retaining member, such as the lugs of a washer, be deformed for the male head to be able to penetrate into the female portion, and this requires an effort to mount the device."

According to the present invention, an additional force is not required to open the claws when the male head is inserted into the female portion; this makes it easier to mount the animal identification device and reduces the mounting effort required, as compared to the prior art techniques. Starting from D1, and seeking to reduce the mounting effort, a person skilled in

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

the art would not have been led to constrain the claws into an open configuration prior to the insertion of the male head into the female portion.

Indeed, according to D1, column 2, lines 16 to 27, the sleeve necessarily comprises a portion which deforms to allow the male head to be inserted into the female portion: "The present invention is based on the discovery that the retention of the head of a male component within the open boss or annular wall surrounding the opening in a female component can be increased by a separate insert in the form of a collar having a deformable portion which deforms to allow entry of the head of the stem and then snap back into the non-deformed state to lock behind the head."

Starting from D1, and seeking to reduce the mounting effort, a person skilled in the art would not have been led to modify the structure proposed in D1, but rather to adjust the flexibility of the sleeve material used in order to make it more deformable.

D2-D6 disclose fewer features similar to those of claim 1 than D1. D2-D6 do not disclose means for simplifying the attachment of the male portion in the female portion of an animal identification device. In particular, they do not disclose a position, preceding the insertion of a head into a cavity, in which claws are constrained in an open configuration, and a position following the insertion of the head in the cavity, which is as

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

locking position for locking the head inside said cavity.

- 1.4 Claims 2-13 are dependent on claim 1 and, as such, likewise meet the PCT requirements in respect of novelty and inventive step.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2017/067391

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 2 Contrary to the requirements of PCT Rule 5.1(a)(ii), the description neither cites D1 nor indicates the relevant prior art disclosed therein.
- 3 The description has not been made consistent with the claims (PCT Rule 5.1(a)(iii)).
- 3.1 Since claim 1 has been amended, the description should likewise be amended.