

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

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

To: MOFFAT & CO. Box 2088 Station D OTTAWA, Ontario Canada, K1P 5W3
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Date of mailing <i>(day/month/year)</i>	21 March 2019 (21-03-2019)
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Applicant's or agent's file reference 4929-103	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/CA2018/050943	International filing date <i>(day/month/year)</i> 01 August 2018 (01-08-2018)	Priority date <i>(day/month/year)</i>
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International Patent Classification (IPC) or both national classification and IPC IPC: H04L 12/58 (2006.01), G06Q 30/02 (2012.01), H04L 9/32 (2006.01)
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Applicant 9378-7570 QUÉBEC INC D.B.A. WINK.LOVE
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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 43<i>bis</i>.1(a)(i) 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 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 66.1<i>bis</i>(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.
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Name and mailing address of the ISA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001-819-953-2476	Date of completion of this opinion 15 November 2018 (15-11-2018)	Authorized officer Ning Huang (819) 639-5259
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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 in 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/CA2018/050943

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
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1. Statement

Novelty (N)	Claims	1-11	YES
	Claims	none	NO
Inventive step (IS)	Claims	none	YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims	none	NO

2. Citations and explanations:

Reference is made to the following documents cited in the International Search Report:

D1: US 2013/0185368 A1, 18 July 2013 (18-07-2013)

D1 discloses a system and method for establishing a communication between mobile device users that register with a collaboration system. The collaboration system determines a match between profile data of the first registered mobile device and profile data of the second registered mobile device.

PCT Article 33(2) Novelty

Since the subject matter defined by claims 1-11 is not disclosed by any single piece of the available prior art, these claims comply with **PCT Article 33(2)**.

-Continued on Supplemental Box

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 2 does not comply with **PCT Article 6**.

The following expression lacks clarity: "storing the storing" (claim 2, line 2).

The elements "a second user" (claim 7, line 2) is defined with an indefinite article, causing a lack of clarity as to whether it is intended to refer to the same element previously defined in claim 1, line 6 or an additional element thereto.

Claims 7 and 14 do not comply with **PCT Article 6**.

The elements "a second user device" (claim 7, line 2) and "a second user device" (claim 14, line 4), are defined with indefinite articles, causing a lack of clarity as to whether they are intended to refer to the same elements previously defined in claim 1, lines 12-13 or an additional element thereto.

Supplemental Box

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

Continuation of: Box No. V

PCT Article 33(3) Inventive Step

With regards to claim 1, D1 discloses a method for sending an electronic communication over an electronic communication network (Fig. 1) through a central distribution server (Fig. 1, collaboration system 26; paragraph 0031), the method comprising:

- Receiving an electronic communication from a first user device (Fig. 2, step 202; Fig. 6, 604), the electronic communication including at least one predetermined delivery criterion (Fig. 2, 204; Fig. 6, 606) and associated with at least a second user device, the at least a second user device associated with a respective at least a second user (Fig. 2, 206, 208; paragraphs 0051, 0054; Fig. 6, 606), the electronic communication sent from a first user device to a database over the electronic communication network, the database hosted on the central distribution server in electronic communication with the first user device over the electronic communication network (Fig. 2, 212; Fig. 6, 608, 610);
- Storing the electronic communication in a first user account associated with the first user and stored on the database; and
- Automatically sending the electronic communication to at least a second user device in electronic communication with the central distribution server over the electronic communication network upon satisfaction of the at least one predetermined delivery criterion (Fig. 2, 212; Fig. 6, 608, 610, 612; paragraph 0089).

D1 fails to explicitly disclose the at least one predetermined delivery criterion being included in the electronic communication. However, D1 discloses one predetermined delivery criterion in the profile data (Fig. 2, 204), and the personal profile data retrieved from email exchange (paragraph 0034) that is accessible by the collaboration system via the network.

Therefore, claim 1 lacks an inventive step in view of D1, and does not meet the requirements of PCT Article 33(3).

D1 further discloses the features of dependent claim 2 (paragraph 0101, Messages may be stored in tables associated with each mobile device user and accessed at later times).

D1 further discloses the features of dependent claims 3-5 (Fig. 5, 502, the marketing information is a targeted promotion; paragraphs 0074-0079).

D1 further discloses the features of dependent claims 7-8 (Fig. 2, 204-206, location match; paragraph 0035, compare the location data).

D1 further disclose the features of dependent claims 9-11 (paragraph 0037, the collaboration system can generate an alert, a notification, or the like.)

Therefore, claims 2-5 and 7-11 lack an inventive step in view of D1, and do not meet the requirements of PCT Article 33(3).

Dependent claim 6 defines the feature of authenticating user device, which is considered as a common general knowledge in the art. Therefore, claim 6 lacks an inventive step in view of D1 and common general knowledge in the art, and does not meet the requirements of PCT Article 33(3).

PCT Article 33(4) Industrial Applicability

Claims 1-11 are considered to be industrially applicable according to PCT Article 33(4).