

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

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

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/EP2020/060746

International filing date (day/month/year)
16.04.2020

Priority date (day/month/year)
18.04.2019

International Patent Classification (IPC) or both national classification and IPC
INV. C07D271/06 C07D413/04 C07D413/10 C07D413/12 C07D413/14 C07D417/10 C07D471/04

Applicant
SYNGENTA CROP PROTECTION AG

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

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:

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>3, 4, 7-15</u>
	No: Claims	<u>1, 2, 5, 6</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-15</u>
Industrial applicability (IA)	Yes: Claims	<u>1-15</u>
	No: Claims	

2. Citations and explanations

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 V

Reasoned statement; citations and explanations

1. Reference is made to the following prior art documents cited in the search report:

D1= WO 2017/222951 A

D2= WO 2018/177894 A

D3= WO 2018/184985 A

2. D1 (see especially example 29) already discloses a process according to claims 1, 2, 5 and 6. The subject-matter of these claims is therefore not new vis-à-vis the state of the art represented by D1 (Article 33(2) PCT).

3. With regard to the description, page 1 line 7 - page 4 line 10, the invention seems to be based on the advantageous use of an alkyl ester of trifluoroacetic acid of formula III in place of trifluoroacetic anhydride.

However, since (i) the use of such ester is already described in D1 (see above) and also clearly suggested as an alternative to the use of the anhydride in D2 and D3 (see e.g. respective schemes 3, D2 p.42 I.4-12, D3 p.12 I.19 - p.13 I.2), since (ii) no unexpected beneficial effect has actually been shown in the application for the use of an alkyl ester over that of the anhydride, and since (iii) the formally novel claims 3, 4, 7-15 do not appear to comprise any additional remarkable technical features (e.g. unusual reaction conditions or non-obvious process steps), it is not at present seen which part of the application could serve as a basis for a novel and inventive claim (Articles 33(1)(2)(3) PCT).

Should the applicant nevertheless regard some particular matter as valid, then he should justify his point of view by indicating any difference vis-à-vis the state of the art and the significance thereof. He should also explain how the 2 sole examples can support the whole scope of claim 1.

Re Item VIII

Certain observations; clarity

Contrary to the statements on description p.4 I.25-27, p.10 I.17-19 and p.42 I.8-9, the use of the compounds of formula I, and the intermediates of formulae II-1 to II-4, I-B do not form part of the invention. The statements should be amended accordingly.