

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 Jesús Pérez Santafé	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/ES2020/070675	International filing date (<i>day/month/year</i>) 04 November 2020	Priority date (<i>day/month/year</i>)
International Patent Classification (IPC) or both national classification and IPC H05K 9/00(2006.01)i		
Applicant Pérez Santafé, Jesús		

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 5 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 _____ 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which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).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☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in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:

☒ 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 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

Date of submission of the demand 17 June 2021	Date of completion of this report 25 May 2022
Name and mailing address of the IPEA/EP European Patent Office p.b. 5818, Patentlaan 2, 2280 HV Rijswijk Netherlands Telephone No. +31 (0)70 340-2040 Facsimile No. +31 (0)70 340-3016	Authorized officer Martinez Izquierdo Telephone No. +31 (0)70 340-4376

Box No. I Basis of the report

1. 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 un, 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 (Rules 55.2(a) and/or 55.3(a) and (b)).
2. 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, or
- ☒ the description:
- pages See Supplemental Box for further details. as originally filed/furnished.
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- Nos. See Supplemental Box for further details. as originally filed/furnished.
- Nos.* _____ as amended (together with any statement) under Article 19
- Nos.* _____ received by this Authority on _____
- ☒ the drawings:
- pages See Supplemental Box for further details. 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.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
4. ☐ 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 (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
5. ☐ 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 66.4bis and 70.2(e)).
6. With regard to top-up searches (Rules 66.1ter and 70.2(f)):
- ☒ A top-up search was carried out by this Authority on 2022-05-19
- ☐ 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.
7. ☐ 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."

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	_____	YES
	Claims	<u>1-3</u>	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-3</u>	NO
Industrial applicability (IA)	Claims	<u>1-3</u>	YES
	Claims	_____	NO
2. Citations and explanations (Rule 70.7)			
See Supplemental Box			

Supplemental Box

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

Continuation of:

Description, pages

1-7	as originally filed
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Claims, numbers

1-3	as originally filed
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Drawings, sheets

1/4-4/4	as originally filed
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Box V

- [1] Reference is made to the following documents:

D1	US 2015/201327 A1 (MCMAHON WILLIAM ARTHUR) 16 July 2015 (2015-07-16)
D2	US 6 855 883 B1 (MATSUI HIDEKI) 15 February 2005 (2005-02-15)
D3	US 2016/212893 A1 (BYLER C A) 21 July 2016 (2016-07-21)
D4	CN 105 762 531 A (UNIV BEIJING JIAOTONG) 13 July 2016 (2016-07-13)
D5	CN 109 586 039 A (NAT UNIV DEFENSE TECHNOLOGY PLA) 5 April 2019 (2019-04-05)

The following document was not cited in the international search report. A copy of the document is attached.

D6	CN 103 179 849 B (XIAMEN MEIYA PICO INFORMATION) 8 June 2016 (2016-06-08)
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- [2] The examiner has carefully examined the arguments presented in the letter dated 28 April 2022. Nonetheless, the present application fails to comply with the requirements of patentability (PCT Article 33(1)) since the subject matter of the claims fails to meet the requirements of novelty (PCT Article 33(2)) as explained below.
- [3] The present application fails to meet the requirements in respect of patentability since the subject matter of claim 1 is not novel (PCT Article 33(2)).

Document D6 is considered to be the prior art closest to the subject matter of claim 1. D6 discloses (see the machine translation, paragraphs [0011]-[0051]; figures 1-3): Shielding apparatus for neutralising the impact of electromagnetic waves (figure 1) by means of a container for carrying a telecommunication device (5), rendering the latter electromagnetically undetectable (paragraph [0011]), the shielding apparatus consisting of a container formed by one or more parts (1, 3) made from a transparent electromagnetic metamaterial (paragraphs [0037] and [0042]-[0043]), wherein the hermetic closure or the hermetic connection of the different parts insulates the telecommunication device (5) inserted therein, preventing the passage of electromagnetic waves used by these devices, both through the constituent elements of the container and through the contact or closure zone of the respective parts (paragraph [0038]).

Supplemental Box

- [3.1] It is noted that in the letter submitted the applicant maintains that the application discloses a single layer of carbon atoms, such as a graphene sheet. However, such an arrangement has not been claimed. In any event, the use of a transparent graphene layer to block electromagnetic radiation is already known in the art.
- [3.2] It is noted that in the letter submitted the applicant argues that the shielding layer of D6 is not transparent. However, the examiner cannot accept this argument. It is clear from D6 (paragraphs [0037] and [0042]-[0043]) that in fact the shielding layer (1) comprises a transparent film (11) and a transparent shielding mesh (12), allowing a shielding effect to be obtained without affecting the visual effect of viewing the contents of the screen through the upper shielding layer (1).
- [3.3] Therefore, all of the features of claim 1 are anticipated by the teachings of D6.
Hence, the subject matter of claim 1 is not novel over D6 (PCT Article 33(2)).
- [4] Dependent claims 2-3 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of novelty.
- [4.1] The subject matter of claim 2 relates to the fact that the user can see and check the telecommunications device once it has been placed inside the container, which is already disclosed in D6 (paragraph [0051]).
- [4.2] The subject matter of claim 3 relates to different ways of closing the container, which are all known in the art and, in any case, already known from D6 (paragraph [0040]).
Therefore, the subject matter of claims 2-3 is not novel (PCT Article 33(2)).