

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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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/IB2020/053307

International filing date (day/month/year)
07.04.2020

Priority date (day/month/year)
09.04.2019

International Patent Classification (IPC) or both national classification and IPC
INV. B62J9/24 B62J9/27 B62J7/08 B62J9/30

Applicant
GIVI S.P.A.

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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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 English , 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>2-9, 11</u>
	No: Claims	<u>1, 10</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-11</u>
Industrial applicability (IA)	Yes: Claims	<u>1-11</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

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 US 2012/312849 A1 (SCHANZ JOCHEN [DE] ET AL) 13 December 2012 (2012-12-13)
- D2 EP 1 065 139 A1 (GI VI SRL [IT]) 3 January 2001 (2001-01-03)
- D3 EP 1 369 344 A1 (HONDA ACCESS KK [JP]) 10 December 2003 (2003-12-10)
- D4 US 2015/191946 A1 (NISHIDA YOICHI [JP] ET AL) 9 July 2015 (2015-07-09)
- D5 WO 2014/024141 A1 (GIVI S R L [IT]) 13 February 2014 (2014-02-13)

- 1 The present application does not meet the criteria of patentability, because the subject-matter of claim 1 is not new (Article 33(2) PCT). Document **D1** discloses:

Luggage of motorcycle (1) separably associated with a support frame (8) configured to be associable with a frame of a motorcycle, wherein said support frame (8) comprising at least one engageable element (8, see figure 1), said luggage of a motorcycle (1) comprises a control mechanism (2) comprising at least one control lever (26), a hooking mechanism (6) comprising at least one engagement element (7) being adapted to pass from a position of engagement with said at least one engageable element (8) of said support frame (8) and a position of disengagement from said at least one engageable element (8), a lever system comprising at least one cord (3) comprising a first end connected to said control mechanism (2) and a second end connected to said hooking mechanism (6).

- 2 Document **D1** further discloses all the features of claim 10. The subject-matter of this claim is therefore also not new (Article 33(2) PCT). Indeed, document D1 shows an assembly kit comprising at least one luggage of motorcycle (1) and a support frame (8) configured to be associable with a frame of a motorcycle, in that said support frame (8) comprising at least one engageable element (8).

- 3 Furthermore, documents **D3** and **D4** also disclose all the features of claims 1 and 10. The subject-matter of these claims is therefore also not new in view of these documents (Article 33(2) PCT).
- 4 The present application does not meet the criteria of patentability, because the subject-matter of claim 2 does not involve an inventive step (Article 33(3) PCT). Document **D1** is regarded as being the prior art closest to the subject-matter of the claim. The subject-matter of claim 2 differs from this known luggage in that the engagement element is slidably mounted with said luggage to pass from said position of engagement to said position of disengagement with said at least one engageable element; and is therefore new.

The problem to be solved by the present invention may therefore be regarded as providing an alternative engagement element.

The solution proposed in claim 2 of the present application cannot be considered as involving an inventive step for the following reasons:

A sliding engagement element in a luggage for motorcycle is described in document **D2**, read paragraphs [0026] and [0027], as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal design option to replace the engagement means of document **D1** with the hook-shaped fitting extension of **D2** in order to solve the problem posed.

- 5 When introducing the sliding engagement element of document **D2** into the luggage for motorcycle of **D1**, the skilled person would also recognise in this combination the features of claims 3 to 6, 8, 9 and 11. Therefore the subject-matter of these claims is also not inventive (Article 33(3) PCT). Indeed the hooking mechanism of **D2** shows at least one elastic return element (6), which passes from a position of maximum elongation to a position of minimum elongation, in that said position of maximum elongation corresponds to said position of engagement between said engagement element (5) and said at least one engageable element (4) and in that said position of minimum elongation corresponds to said position of disengagement between said engagement element (5) and said one engageable element (4), that it comprises a through opening (see figure 8A and 8B) arranged at said hooking mechanism, wherein said through opening is adapted to allow a passage of said at least one engageable element (4) between an exterior of said luggage and said hooking mechanism so that said engagement element (5) is adapted to pass from said position of engagement to said position of disengagement with said at least one engageable element (4), that said engagement element (5) of said hooking

mechanism comprises an engagement tooth adapted to be engaged with a respective seat of said at least one engageable element (4), that said control lever (2) is rotatably mounted to said luggage (1) and in that said control lever (2) is connected to said first end of said at least one cord (3) of said lever system, said control lever (2) being adapted to rotate about a pin, passing from a first position to a second position, in that said first position corresponds to said position of engagement between said engagement element and said at least one engageable element and in that said second position corresponds to said position of disengagement between said engagement element and said at least one engageable element, that said second position of said control lever (2) comprises that said control lever (2) pulls said at least one cord (3) causing said engagement element to pass from said position of engagement to said position of disengagement with said at least one engageable element.

- 6 Lastly, also the subject-matter of claim 7 is not inventive (Article 33(3) PCT). The use of a pulley is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Re Item VII

Certain defects in the application

- 7 Claim 11 refers to an engagement tooth, which is firstly disclosed in claim 6, but has been drafted as dependent on claim 10, which is dependent on any of claims 1 to 9. Therefore, the claim should be redrafted as dependent on claim 10, when claim 10 is dependent on claim 6.

Conclusion: The subject-matter of claims 1 to 11 does not meet the criteria of Article 33(1) PCT.