

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **18.12.2021**

Applicant's or agent's file reference

LPE00173

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/BR2021/050155

International filing date (day/month/year)

14.04.2021

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

A47K 13/14 (2006.01), E03D 9/00 (2006.01)

Applicant

POCAI, Ricardo

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 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 66.1bis(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/BR

Date of completion of this opinion

Authorized officer

Facsimile No.

Telephone No.

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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 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:

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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)	Claims	4, 5, 6, 7, 8	YES
	Claims	1, 2, 3	NO
Inventive step (IS)	Claims	4, 5, 6, 7, 8	YES
	Claims	1, 2, 3	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	None	NO
2. Citations and explanations:			
1) Documents cited in the International Search Report: (D1): US 2012131740A1 (RONE THOMAS MICHAEL [US]) (2012-05-31) (D2): US 2012246811 A1 (SAYRE MARTHA [US]) (2012-10-04) (D3): BR 102018012013 A2 (JOSEFA TOMAZ PEREIRA DE SOUZA [BR]) (2020-01-07) (D4): US 2011271433 A1 (ASPIRO STÉPHANIE [US]) (2011-11-10) Document (D1) describes a cover assembly (10) for a toilet seat, having a single piece of thin film made out of an elastic and resistant polymer, impregnated with anti-microbial and anti-bacterial agents, in order to provide a physical and chemical barrier against infestation by micro-organisms that are harmful to the health of users, the cover (10) comprising a first edge and a second edge, the perimeters of which may be fully or partially overlapped when wrapped around the toilet seat, and attached by means of adherence of the material			

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in areas in direct contact with the toilet seat and to each other in overlapping areas, the edges being preferably circumferential in the initial state thereof (configuration of figures 6 and 7), wherein the cover (10) is in the shape of a straight cylinder in a given configuration and the cover (10) may also have some type of indicator that can show when the cover was installed, and when it should be replaced, *inter alia*.

Document (D2) describes a disposable cover (100, 200) for a toilet seat, having a single piece of thin film made out of an elastic and resistant polymer, that can have a polygonal shape, *inter alia*, said cover having an internal edge that defines an opening enclosed by a finishing collar, as well as an external edge with an elastic strip, said edges preferably being circumferential in the initial state thereof, among other elements.

Document (D3) describes a cover (1) for a toilet seat, having a single piece of thin film, comprising an internal edge and an external edge, the cover having a largely elliptical shape, defining a peripheral area (2) covering the surface of the seat attached to the toilet bowl, with an internal flap (3) below that forms a pocket (4) for receiving the front rounded edge of the seat, located opposite the rear band (5) joining the end points (6), which are also joined by a tensioning band (7), which assists in the attachment of the cover in question to the body of the toilet seat, among other elements.

Document (D4) describes a disposable cover assembly (1)

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for a toilet seat, having a single piece of biodegradable material, with a flat upper part (2), an inner skirt (4) with an edge (8), and a pleated outer skirt (6) with an edge (7), a drawstring (19) being provided between the flat upper part (2) and the pleated outer skirt (6), the edges preferably being circumferential in the initial state thereof, among other elements.

2) Analysis of Novelty and Inventive Step

Documents (D1) to (D4) constitute the prior art.

2.1) Independent Product Claim 1

Document (D1) discloses the feature of the toilet seat cover being formed from a single piece, comprising a first edge and a second edge, the perimeters of which may be fully or partially overlapped when wrapped around the toilet seat, and attached by means of adherence of the material in areas in direct contact with the toilet seat and to each other in overlapping areas. Consequently, claim 1 is not considered to be novel over this document, and therefore does not meet the requirement of inventive step either (PCT Article 33(2) and (3), respectively).

2.2) Dependent product claims 2-3

With regard to dependent claim 2, it is considered that documents (D1) to (D4) individually disclose the feature of the toilet seat cover having edges that are preferably circumferential in the initial state thereof.

Consequently, claim 2 is not considered to be novel over

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this document, and therefore does not meet the requirement of inventive step either (PCT Article 33(2) and (3), respectively).

With regard to dependent claim 3, it is considered that document (D1) discloses the feature of the toilet seat cover being configured in the shape of a straight cylinder. Consequently, claim 3 is not considered to be novel over this document, and therefore does not meet the requirement of inventive step either (PCT Article 33(2) and (3), respectively).

2.3) Dependent product claims 4-8

With regard to dependent claim 4, it is considered that none of the documents (D1) to (D4) discloses the feature of the cover (100) being able to be configured in a frustoconical shape, comprising one or more intermediary sections (160) of a smaller diameter than that of the edges (110, 120). Thus this claim is considered to be novel and complies with PCT Article 33(2). It is also considered that this feature is not obvious to a person skilled in the art in light of the cited prior art documents, taken individually or in any combination. This claim therefore involves an inventive step (PCT Article 33(3)).

With regard to dependent claim 5, it is considered that none of the documents (D1) to (D4) discloses the feature of the cover (100) including identification (300) or a seal, which could be a strip, band or similar. Thus this claim is considered to be novel and complies with PCT

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Article 33(2)). It is also considered that this feature is not obvious to a person skilled in the art in light of the cited prior art documents, taken individually or in any combination. This claim therefore involves an inventive step (PCT Article 33(3)).

With regard to dependent claim 6, it is considered that none of the documents (D1) to (D4) discloses the identification feature (300) indicating that the seat (200) was recently changed, and that it has not been used. Thus this claim is considered to be novel and complies with PCT Article 33(2). It is also considered that this feature is not obvious to a person skilled in the art in light of the cited prior art documents, taken individually or in any combination. This claim therefore involves an inventive step (PCT Article 33(3)).

With regard to dependent claim 7, it is considered that none of the documents (D1) to (D4) discloses the identification feature (300) that can include an RFID, a barcode, a *QR code* or similar to act as an authentication seal and positioning guarantee. Thus, this claim is considered to be novel and complies with PCT Article 33(2). It is also considered that this feature is not obvious to a person skilled in the art in light of the cited prior art documents, taken individually or in any combination. This claim therefore involves an inventive step (PCT Article 33(3)).

With regard to dependent claim 8, it is considered that none of the documents (D1) to (D4) discloses the identification feature (300) that can also be used for

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check-in procedures and validation of *day-use*. Thus, this claim is considered to be novel and complies with PCT Article 33(2)). It is also considered that this feature is not obvious to a person skilled in the art in light of the cited prior art documents, taken individually or in any combination. This claim therefore involves an inventive step (PCT Article 33(3)).

3) Industrial Application

It is considered that the subject matter of claims 1 to 8 of the present application is industrially applicable and complies with PCT Article 33(4).

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