

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

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

Date of mailing
(day/month/year) see form PCT/SA/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/EP2021/077481

International filing date (day/month/year)
06.10.2021

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
INV. D04B1/10 ADD. D04B1/26

Applicant
ESSITY HYGIENE AND HEALTH AKTIEBOLAG

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 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 66.1 *bis*(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

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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>1-21</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-21</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-21</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

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

Reference is made to the following documents:

- D1 US 3 425 246 A (KNOHL HERBERT) 4 February 1969 (1969-02-04)
- D2 WO 2019/163456 A1 (MARUBENI KK [JP]; SUKENO CO LTD [JP]) 29
 August 2019 (2019-08-29)
- D3 EP 3 067 452 A1 (SIMP SOCIÉTÉ IND DE MATÉRIEL PARAMÉDICAL
 [FR]) 14 September 2016 (2016-09-14)

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial
applicability; citations and explanations supporting such statement**

- 1 D1 is regarded as being the prior art closest to the subject-matter of claim 1, and already discloses a compression garment (see Figure 4) comprising a knitted fabric (see column [=col.] 1, lines [=l.] 65-70), wherein the knitted fabric (col.2, l.22-25) has three or more knitted gores (37) in a proximal portion (col.5, l.50-54) of the compression garment (col.1, l.58-61); and
- (ii) each knitted gore (37) comprises from 1 to 10 points (Figure 7: 63; Figure 8: at each endmost wale of protuberance 75) at which the number of courses is increased (col.6, l.34-38; col.6, l.65-70); and
- (iii) each knitted gore (37) comprises from 1 to 10 points (Figure 7: 63; Figure 8: at each endmost wale of protuberance 75) at which the number of courses is decreased (col.6, l.38-41; col.6, l.70-71).

The subject-matter of claim 1 differs from this known compression garment in that

- (i) each knitted gore (14) extends circumferentially around 50% or more of the proximal portion (16);

and is therefore new.

The invention defined by independent claim 1 therefore complies with the requirements of Articles 33(1) and (2) PCT.

- 2 Neither D1 nor any other available prior art discloses a method of manufacturing a compression garment as claimed by at least claim 1.

The invention defined by independent claim 21 is therefore also new and complies with the requirements of Articles 33(1) and (2) PCT.

- 3 The problem which the current invention seeks to solve is the prevention of rolling or folding down of the upper border region of a compression garment when it is worn. While D2 (see Figures 2 to 4; paragraph 0014) effectively suggests using a set of several spaced gores extending circumferentially about more than 50% of a circular knitted sock for better adaptability in a heel portion thereof, no available prior art suggests the combination of three or more knitted gores (14) extending circumferentially around 50% or more **of the proximal portion (16)** of a garment. The claimed combination of features is therefore not considered obvious for the skilled person in order to solve the underlying technical problem.

The invention defined by independent claim 1 or 21 therefore also complies with the requirements of Articles 33(1) and (3) PCT.

- 4 Claims 2 to 21 are dependent on independent claim 1 whose subject-matter is considered as being new and inventive, as discussed above, and these embodiments comprise all the features of the invention according to claim 1. As such the embodiments according to the dependent claims also meet the requirements of the PCT with respect to novelty and an inventive step.

- 5 The subject-matter according to claim 1 to 21 is susceptible to industrial application and therefore also complies with the requirements of Articles 33(1) and (4) PCT.

Re Item VII

Certain defects in the international application

- 1 The description does not meet the requirements of Rule 5.1(a)(ii) PCT since the documents D1 and D2 are not identified in the description and the relevant background art disclosed therein (see the passages quoted in the search report) is not briefly discussed.

Re Item VIII

Certain observations on the international application

- 1 Dependent claims 2 to 5 fail to comply with the requirements of Article 6 PCT for the following reasons:

All claims call for "constant" regions without any indication what has to be regarded as constant in these regions. With the nature of "constant" not being tangible, the scope of protection to be conferred by these claims is not clear.

From the description (page 11, lines 14 and 15) it would appear that "constant" stands for an absence of points of increase or decrease in courses forming a constant region.