

# How to read your **novelty report**





# How to read your novelty report

In this brochure we help you interpret a novelty report based on an example.

When you file a patent application with the Netherlands Patent Office (OCNL) or the European Patent Office (EPO), they assess your application on the basis of novelty, inventive step and susceptibility of industrial application.

They report their findings in a novelty report. This reports gives you an indication of the strenght of your patent application. This will enable you to decide whether to continue with your patent application as it is, change it or withdraw it.

A novelty report is made up of the following parts. On top of that you will receive accompanying advice from EP&C.



1. COVER PAGE



2. RELEVANT PUBLICATIONS



3. COMPREHENSIVE LIST OF RELATED PUBLICATIONS



4. WRITTEN OPINION



ADVICE FROM EP&C

## Understanding patentability



Your patent application has been filed. This is followed by a so-called novelty search. This search is carried out by an examiner of the Netherlands Patent Office (OCNL) or the European Patent Office (EPO).

It starts with a search for publications that are similar to your invention; the so-called prior art. Next, the examiner compares the publications with the claims

contained in your application. This is done to assess the novelty and inventive step of your invention.

The examiner then compiles a novelty report, in which he outlines the results of his search. The novelty reports therefore gives an indication of the patentability of your invention and forms the basis for the subsequent stage of your application.

## Structure of your novelty report



A novelty report normally consists of four parts:

1. The cover page with general information about your application.
2. A table containing publications considered relevant by the examiner.
3. A list of publications that belong to the same patent families as the relevant publications.
4. The examiner's written opinion.

you will receive from your patent attorney together with this novelty report.

The examples contained in this brochures come from an existing novelty report on a patent describing a dispenser.

Of these four parts, the second and fourth in particular are relevant for you. We explain these in this brochure. Finally, we take a look in this brochure at the advice that

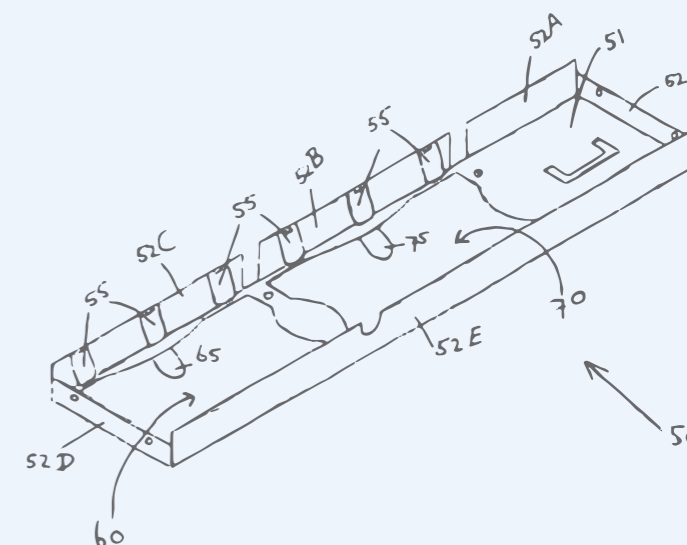


Fig. 4

## Overview of relevant publications



On page 2 of your novelty report you will find an overview of the examiner's findings. Under heading B you will see which sources were consulted.

Under heading C you will find a table of publications which the examiner feels are relevant for your innovation.

The overview is made up of 3 columns. The first column indicates why the publication is of interest with the aid of a letter. You will find a legend at the bottom of the table. We explain the meaning of the most commonly used and relevant letters below. The second column contains a list of the publications in question. The third column indicates for which claims of your patent application each publication is relevant.

ONDERZOEKSRAPPORT BETREFFENDE HET RESULTAAT VAN HET ONDERZOEK NAAR DE STAND VAN DE TECHNIEK VAN HET INTERNATIONALE TYPE

Nummer van het onderzoek naar de stand van de techniek: NL 2002563

INVENTIE: A47K10/42

1. ONDERZOEKTE OEBIEDEN VAN DE TECHNIEK

2. OVERZICHT VAN DE ONDERZOEKTE DOCUMENTEN

3. VAN BELANG: CI ACHTER DOCUMENTEN

Letter	Gebruiksomschrijving, eventueel met aanduiding van special van belang zijnde passages	Van belang voor conclusie nr.
X	US 5 322 186 A (FRAZIER ALAN D [US] ET AL) 21 Juni 1994 (1994-06-21)	1, 4, 5, 7, 11, 12, 14-16, 8-10, 13
Y	kolom 3, regel 22 - kolom 5, regel 2; figuren 1, 10, 11	
Y	EP 0 276 662 A (TWIN CEE LIMITED [CA]) 3 augustus 1988 (1988-08-03)	8
A	kolom 3, alinea 1, 4; figuren	1
Y	US 4 678 099 A (MATSUI SUMIO [JP]) 7 juli 1987 (1987-07-07)	9, 10, 13
A	kolom 10, alinea 2; figuur 12	1-3, 11
X	FR 318 714 A (TIXIDRE) 15 februari 1902 (1902-02-15)	1, 4, 5, 14-16
	het gehele document	

Legend:

- X: Volgens de onderzoeker wordt vernieuwingsaardigheid van de uitvinding niet in twiifel aan te maken.
- Y: Volgens de onderzoeker wordt vernieuwingsaardigheid van de uitvinding niet in twiifel aan te maken, maar het is niet duidelijk of de uitvinding vernieuwingsaardig is.
- A: Volgens de onderzoeker wordt vernieuwingsaardigheid van de uitvinding niet in twiifel aan te maken, maar het is niet duidelijk of de uitvinding vernieuwingsaardig is.

Overview of relevant publications

The most commonly used letters in the first column are:

X: According to the examiner this publication contains information that eliminates the novelty of the claims referred to in the third column.

Y: The examiner feels it would be obvious for a person skilled in the art to combine these publications. As a result of this the claims, referred to in the third column, are not inventive.

A: This publication describes the prior art. The publication is considered to be interesting background information.



## Written opinion

### WRITTEN OPINION

Application number  
NL2002563

#### Box No. I Basis of this opinion

- This opinion has been established on the basis of the latest set of claims filed before the start of the search.
- With regard to any nucleotide and/or amino acid sequence disclosed in the application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. formal of material:
    - on paper
    - in electronic form
  - c. time of filing/furnishing:
    - contained in the application as filed
    - filed together with the application in electronic form
    - furnished subsequently for the purposes of search
- In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
- Additional comments:

#### Box No. V Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement	Yes/No	Claims
Novelty	Yes:	Claims 2, 3, 6, 8-10, 12-14
	No:	Claims 1, 4, 5, 7, 11, 15, 16
Inventive step	Yes:	Claims 2, 3, 6
	No:	Claims 1, 4, 5, 7-16
	Yes:	Claims 1-16
	No:	Claims

## Written opinion



In the written opinion the examiner explains how he arrived at his findings. The written opinion starts with a summary showing which claims contained in your application do and do not meet the requirements of novelty and inventive step.

The opinion is subsequently substantiated on the basis of quotes from the publications referred to in the table. A quote from a publication can be used to demonstrate that a comparable innovation has already been described here, for example.

Finally, any formal shortcomings of your patent application are pointed out. It is possible, for example, that your application does not meet the requirement of clarity on certain points.

## Written opinion

### WRITTEN OPINION (SEPARATE SHEET)

Application number  
NL2002563

#### Re Item V.

- Reference is made to the following documents:
  - D1: US-A-5 322 186 (FRAZIER ALAN D [US] ET AL) 21 Juni 1994 (1994-06-21)
  - D2: EP-A-0 276 662 (TWIN CEE LIMITED [CA]) 3 augustus 1988 (1988-08-03)
  - D3: US-A-4 678 099 (MATSUI SUMIO [JP]) 7 juli 1987 (1987-07-07)

#### 2 INDEPENDENT CLAIM 1

2.1 The subject-matter of claim 1 is not new. Document D1 discloses (see in particular the passages and figures cited in the search report; the references in parentheses apply to this document):

a paper towel dispenser (10) comprising:  
 - a compartment (formed by module 10 and the front and back panels of the dispenser into which it is inserted) for storing a generally vertical stack of folded paper towels, said compartment having a substantially rectangular cross section with a length and a width, and  
 - a dispensing opening (74) at a bottom side of the compartment through which individual paper towels can be dispensed from the compartment;  
 whereby the dispensing opening has a substantially rectangular shape with two long sides and two short sides, wherein all opposing sides of the dispensing opening comprise a support protrusion (76)\* extending substantially in the plane of the dispensing opening to support the paper towels, and wherein a minimal distance between the two short sides of the dispensing opening, including the support protrusions, is more than 85% of the length of the cross section of the compartment, and wherein a minimal distance between the two long sides of the dispensing opening, including the support protrusions, is more than 85% of the width of the cross section of the compartment.

The combination of all of the features of at least one variant of the subject matter of claim 1 is therefore already known from the state of the art.

\*Note that it is entirely consistent with the contents of the present application - cl. in particular paragraph 2, lines 36 - to assume that a so-called "support protrusion" may extend along the entire

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## Advice from EP&C

Together with the novelty report you will receive an advice from your patent attorney. In this he indicates whether the examiner's findings are correct in his view and how any objections can be removed.

On top of that you will receive advice on the possible next steps. You will be able to take a carefully considered decision on the basis of the novelty report and the

advice. You could, for example, opt to continue the application outside the Netherlands.



# We think in terms of possibilities

Sometimes a lot of patents have already been granted. The playing field is densely occupied. With lots of obstacles and little room for protection. Our attorneys will help you set your course. We are used to dealing with areas of technologies in which a great many patents have already been granted.

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