



EP&C
PATENT ATTORNEYS



**HOW TO READ YOUR
NOVELTY REPORT**

PATENTS | DESIGNS

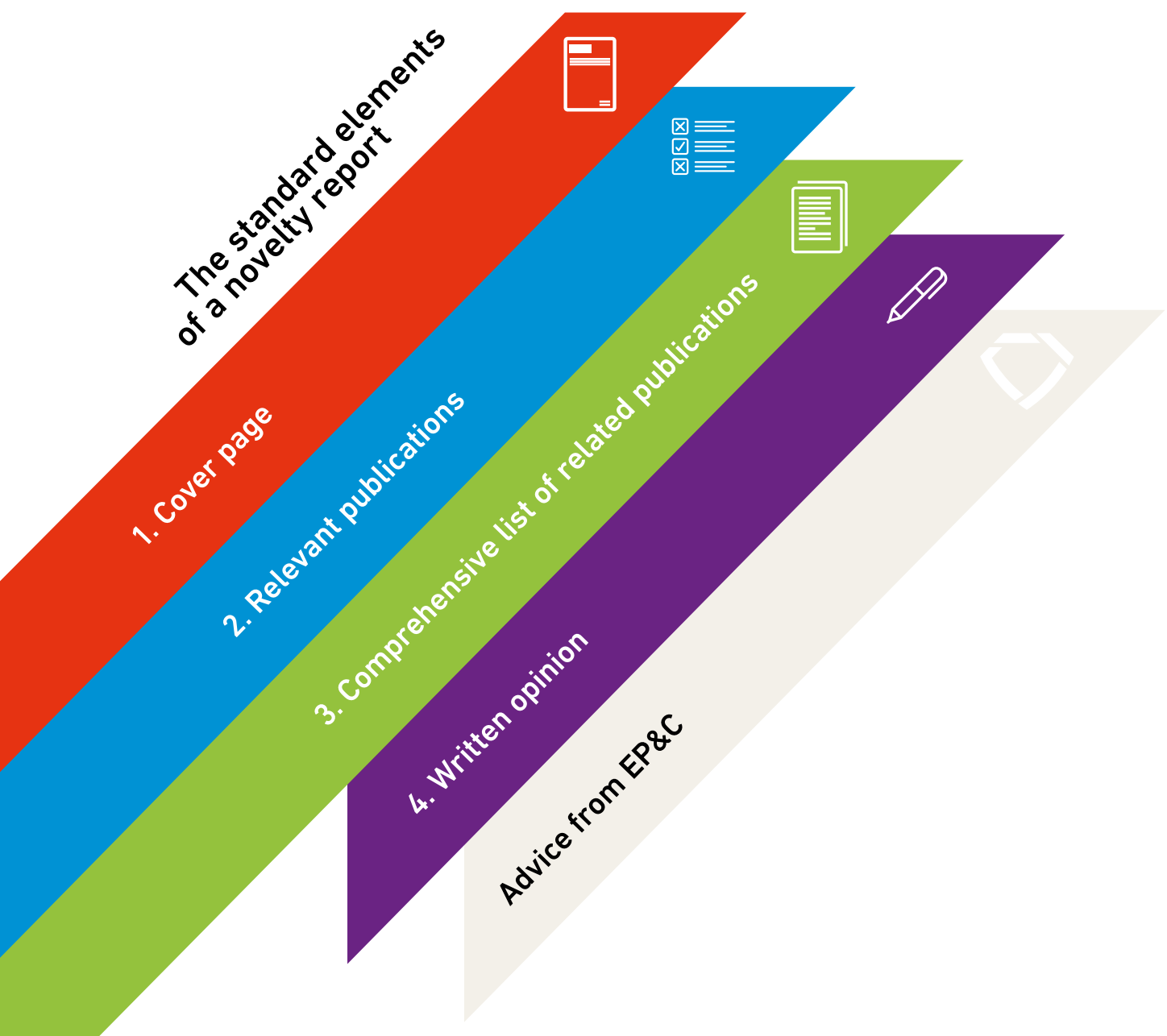
HOW TO READ YOUR NOVELTY REPORT

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.



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.

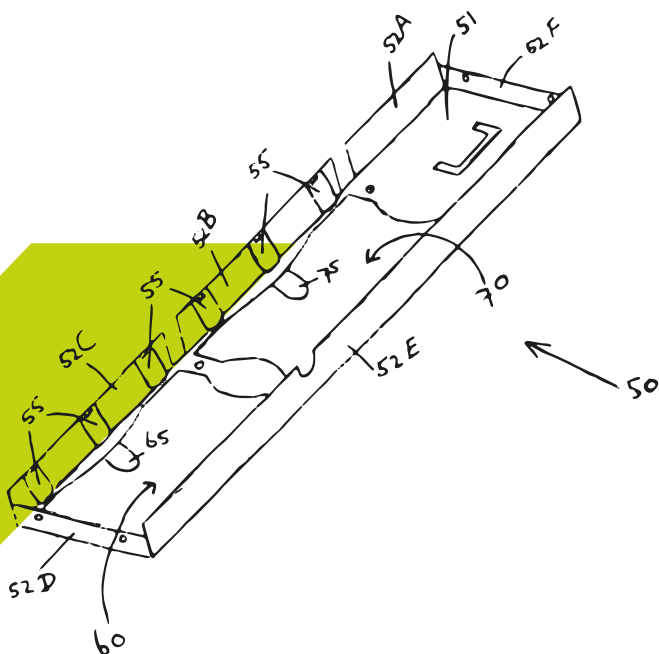
STRUCTURE OF YOUR NOVELTY REPORT

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.

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 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.



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.

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.

Overview of relevant publications

INTERNATIONAL SEARCH REPORT		International application No. PCT/1B2018/051747
A. CLASSIFICATION OF SUBJECT MATTER Inv. B23K26/03 B23K26/04 B23K26/00 B23K26/082 B23K26/352 B23K26/356		
ADD. According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELD OF SEARCHING Minimum documentation searched (classification system followed by classification symbols) B23K		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the International search (name of data base and, where practicable, search terms used) EPO-Internal, WPI Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2015/076125 A1 (TOYOSAWA HIROYASU [JP] ET AL) 19 March 2015 (2015-03-19) cited in the application figures 1,4,6,11,12	1,4, 7-12, 15, 16, 2-6,8, 13,14
Y	paragraph [0069] - paragraph [0080] paragraph [0154] - paragraph [0165]	
Y	WO 2008/118365 A1 (GEN LASERTRONICS CORP [US]; THOMAS JAMES W [US]; CARGILL ROBERT L [US]) 2 October 2008 (2008-10-02) page 13 - page 17; figures 5-14	2,5,13, 14
A	US 2007/000805 A1 (THOMAS JAMES W [US] ET AL) 4 January 2007 (2007-01-04) paragraph [0029] - paragraph [0068]; figures 1-3,4,6,7,8	1-16
	----- -/-	
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex.		
* Special categories of cited documents: "X" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "A" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other cited documents, such combination being obvious to a person skilled in the art "M" document member of the same patent family		
Date of the actual completion of the international search 11 June 2018		Date of mailing of the international search report 28/06/2018
Name and mailing address of the ISA/ European Patent Office, P.O. Box 5518 Patentkan 2 NL - 2280 HV Rijswijk Tel: (+31-70) 340-5000 Fax: (+31-70) 340-5016		Authorized officer De Backer, Tom

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Form PCT/ISA/210 (second sheet) (April 2005)

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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 J [US] ET AL) 21 juni 1994 (1994-06-21)
D2: EP-A-0 276 662 (TWIN CLÉ LUMIÈRE [CA]) 3 augustus 1988 (1988-08-03)
D3: US-A-4 678 099 (KATSUI SUHIO [JP]) 7 juli 1987 (1987-07-07)

2 INDEPENDENT CLAIM 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 a) opposing sides of the dispenser 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.

It may be noted that it is entirely consistent with the contents of the present application - in particular description p 2, 135-36 - to assume that a so-called "support protrusion" may extend along the entire



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

Application number:
NL2002563

WRITTEN OPINION

Box No. I Basis of this opinion

1 This opinion has been established on the basis of the latest set of claims filed before the start of the search.

2 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. format of material:

on paper

in electronic form

c. time of filing/drawing:

contained in the application as filed.

filed together with the application in electronic form

furnished subsequently for the purposes of search.

3 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.

4 Additional comments:

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

1 Statement

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

2 Citations and explanations:
see separate sheet

NL2002563

ADVICE

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.



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We explain

Patent law is complex. By offering E-Books, brochures, free workshops and our personal explanation we ensure that you have sufficient knowledge to make the right choices.

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