



## **Topic 2: PCT International Phase Examination Procedures and Challenges for National Phase Procedures**

Lutz Mailänder

Head, International Cooperation on Examination and Training Section

Moscow  
September 16, 2019

# Agenda

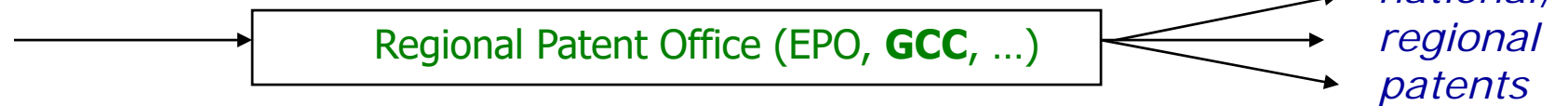
- PCT system
- International phase and its [examination results/products](#)
- Challenges for national phase examination

# Obtaining patent protection abroad

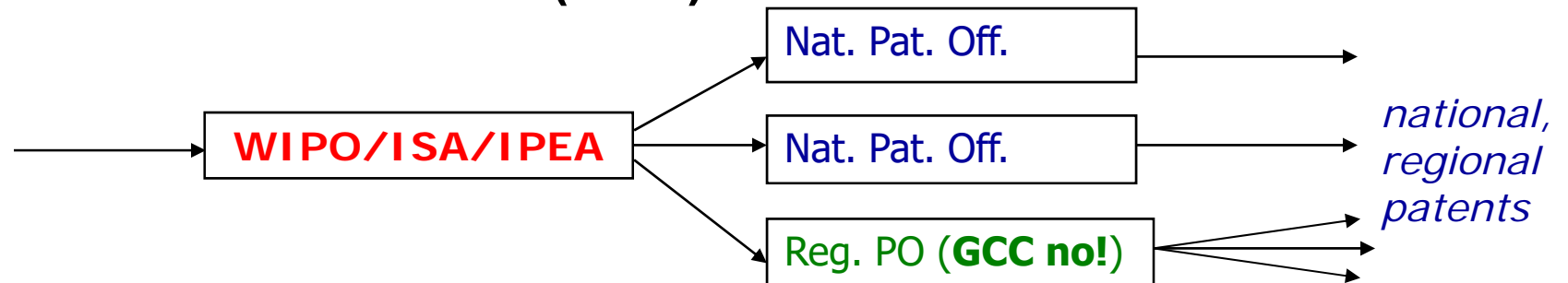
## 1. National Routes



## 2. Regional Route



## 3. International Route (PCT)



[International phase]

[National phases]

# Patent Cooperation Treaty - PCT

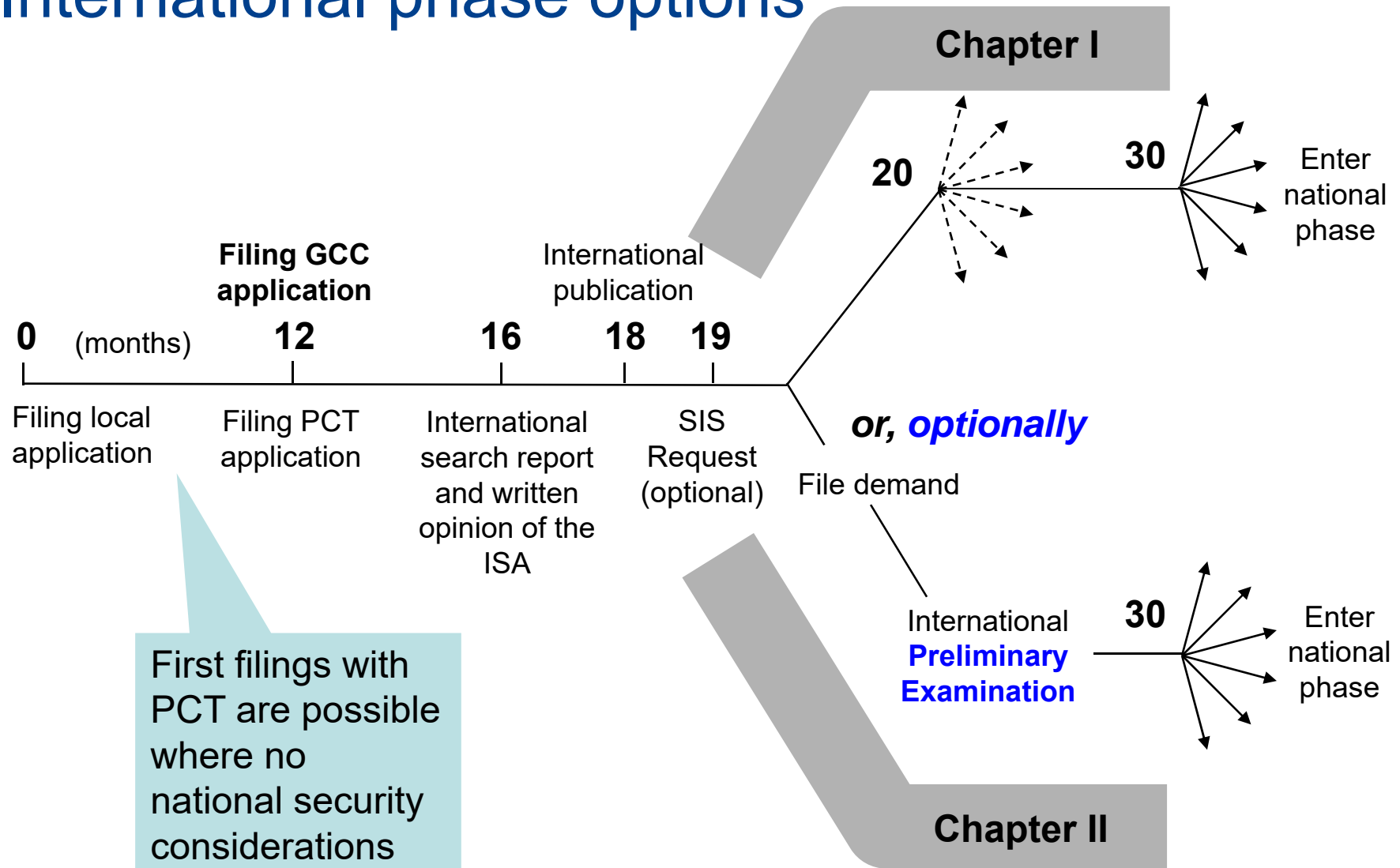
- "One-stop shop" for filing patent applications in several jurisdictions
- Filing with PCT 'Receiving Office' may be
  - First filing
  - Second filing claiming a Paris Convention priority of an earlier filing
- **International phase** administered by WIPO: preliminary search and examination by selected ISAs; optional preliminary examination of amended claims by IPEA
- **National phases** administered by national IPOs:
  - Decision on entry into national phase at the latest 30 months after filing/priority date (for most jurisdictions)
  - National granting procedures/laws/regulations apply
  - Sovereign decisions in each national phase independent of other national phases
- Total of national phase entries of PCT application constitute a family: **'PCT family'**
  - Family relations are established by sharing the respective PCT application number
  - Work-sharing opportunities for efficient national procedures

# Sovereign national prosecution

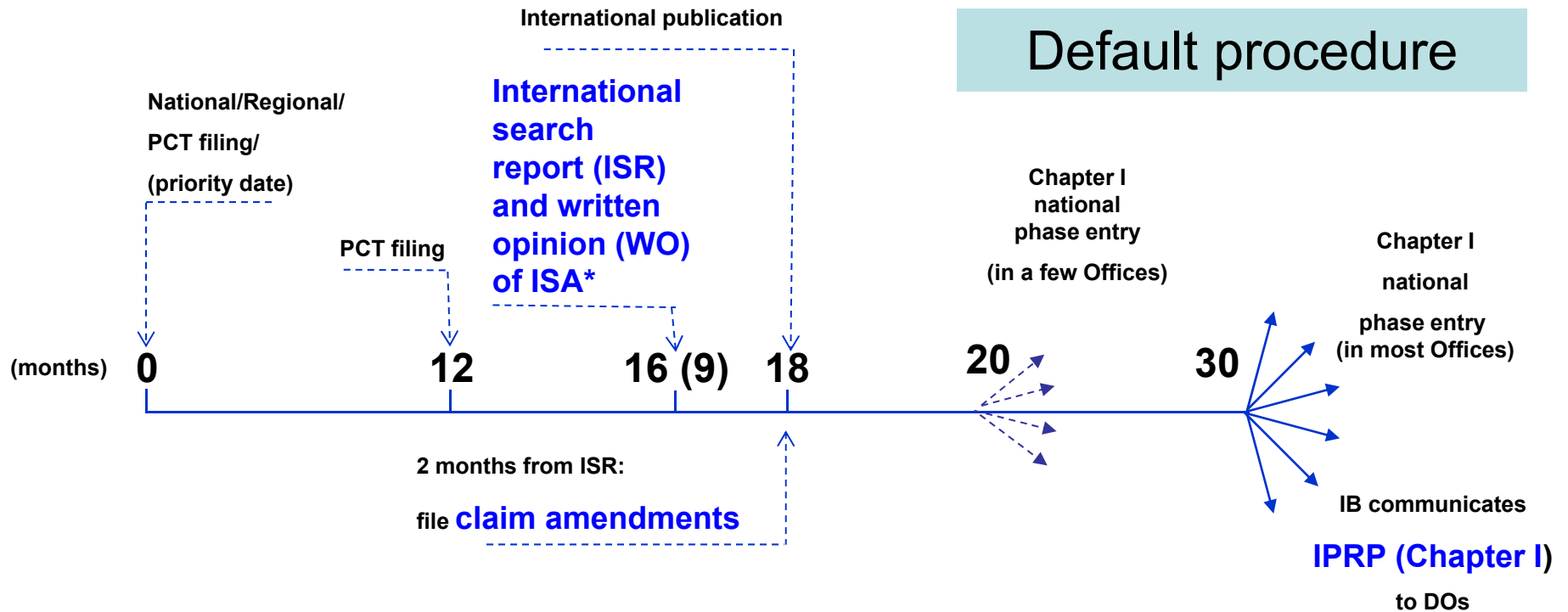
## Paris Convention 1883:

- **No obligation** to follow/adopt conclusions of other IPOs or to use their results (**Article 4bis**)
- [http://www.wipo.int/treaties/en/ip/paris/summary\\_paris.html](http://www.wipo.int/treaties/en/ip/paris/summary_paris.html)
- Each IPO has obligation to observe national legislation
- Each IPO has responsibility/liability for quality patents
- Lawyers often refer to grants at other IPOs: just ignore that!

# International phase options

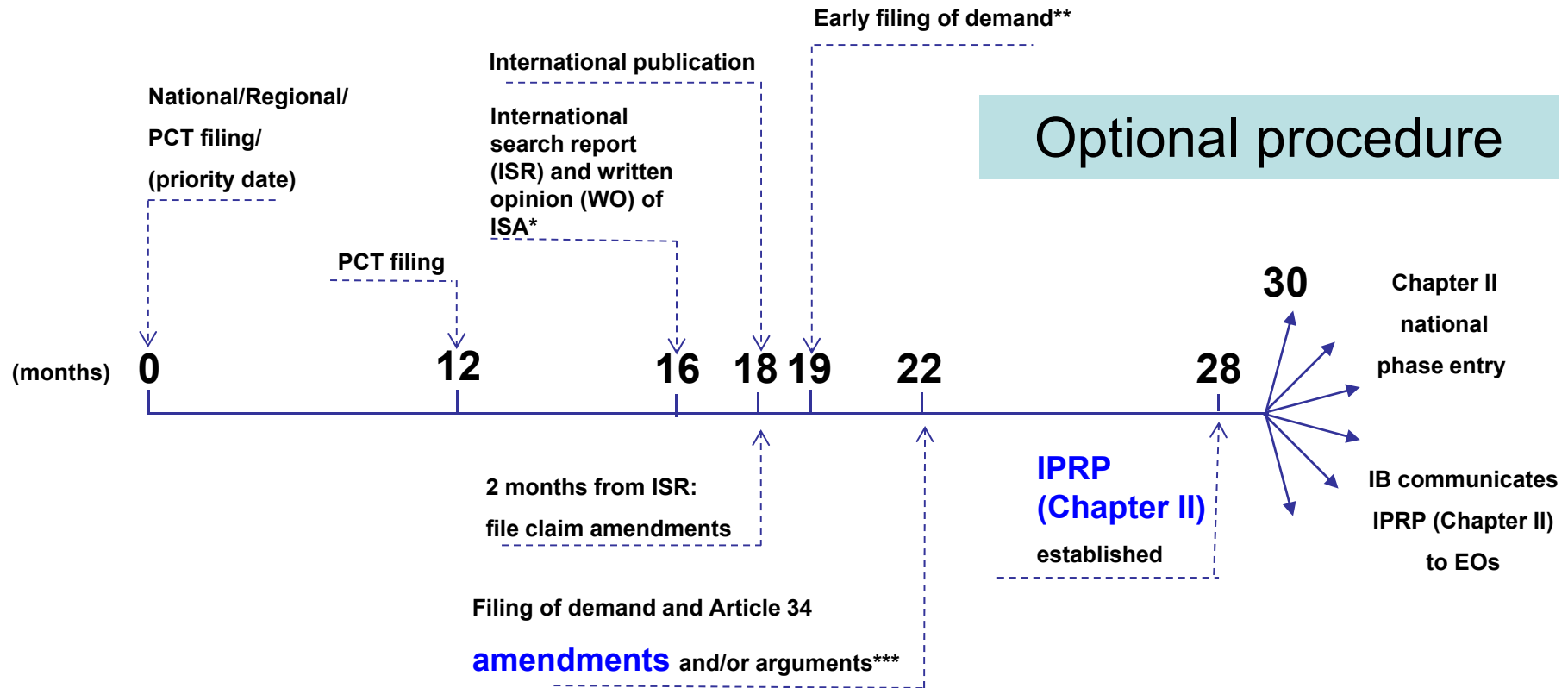


# PCT timeline (Chapter I)



\* If PCT is a first filing, the ISA is to establish the ISR and WO of the ISA before the expiration of 9 months from the priority date (Rule 42.1)

# PCT timeline (Chapter II)



\* If PCT is a first filing, the ISA will establish the ISR and WO of the ISA before the expiration of 9 months from the priority date (Rule 42.1)

\*\* In respect of LU, TZ and UG, the time limit of 30 months to enter national phase will, however, only apply if those States have been elected in a demand filed before the expiration of 19 months from the priority date

\*\*\* A demand for international preliminary examination may be filed at any time prior to the expiration of 3 months from the date of transmittal of the ISR and WO of the ISA, or 22 months from the priority date, whichever time limit expires later (Rule 54bis.1(a)).



# Various Offices and Authorities involved

- Receiving Office (**RO**)
- International Searching Authority (**ISA**): ISR, WO-ISA, IPRP (Ch. I)
- International Bureau (**IB**): publications, file inspection
- International Preliminary Examining Authority (**IPEA**): IPRP (Ch. II)
- Designated/Elected Offices (national and regional) (**DO/EO**)

# Legal framework

- International
  - Treaty [Art.]
  - Regulations [Rule]
  - Administrative Instructions [Sect.]
  - Agreements between IB and ISA/IPEAs
  - Notifications (published in PCT Gazette)
  - Guidelines (RO, IS/IPE)
  - Governing body – PCT Assembly
- National
  - National laws implementing certain PCT related aspects (especially national phase processing and effects)
  - Patent law, regulations, examination guidelines, case law

# Main products of international phase

## Work products of authorities

- **Publication of international application** (bibliographic data, abstract, description, drawings, claims ) [Rule 48]
- **International Search Report (ISR)** [Rule 43]
- **Written Opinion of ISA (WO-ISA)** [Rule 43bis]
  - prepared as complement to international search, but deals in substance with examination matters
- (Optional) Supplementary International Search Report (SISR) [Rule 45bis.7]
- **International Preliminary Report on Patentability (IPRP)**
  - IPRP (Chapter I) = WO-ISA plus cover sheet [Rule 44bis], or
  - IPRP (Chapter II) = International Preliminary Examination Report (IPER)

## Other statements related to patentability

- (Optional) informal statements by applicant on WO-ISA and respective amendments of claims [Article 19(1); Rule 46.4]
- (Optional) third party observations [Sect. 801ff]

# International publications

- 18 month after filing/priority date: **WO-A1** or **WO-A2**
- **WO-A1**: international application (IA) + international search report (ISR)
- **WO-A2**: two distinct types of publications
  - International application as filed if no ISR is available yet
  - Optional at later stage: Declaration that no ISR will be established [Art. 17(2)(a)]
- **WO-A3**: Later publication international search report + front page
- **WO-A4**: Later publication of amended claims and/or statement [Article 19]
- **WO-A8**: Republication front page with corrections
- **WO-A9**: Republication of full application or ISR with corrections, alterations or supplements

# Laid open for public inspection

- No publication as such, no publication number, no publication date,..
- Accessible through "file inspection", for example in Patentscope
  - Written Opinions
    - Accessible from date of publication of SR
  - IPRPs, IPER
  - Third Party Observations
    - Accessible in timely manner after submission

# International Search Report (ISR)

- Established by (selected) competent ISA
- Search based on claims as originally filed [Article 15(3)]
  - Amendments only possible after receipt of ISR [Article 19]
- Search performed according to PCT Examination Guidelines
- Prior art is everything made available to the public [Rule 33]
  - in written disclosure (may refer to oral disclosure, exhibition)
  - **prior to the international filing date** (i.e. priority is irrelevant, in case priority claim is invalid for certain subject matter)
- Not any written disclosure is to be searched: only PCT minimum documentation [Rule 34]
- In case of lack of unity, only "first" invention will be searched [Rule 40], unless additional fees are paid
- ISA can decline search of certain subject matter [Rule 39], namely subject matter that is excluded from patentability in the national law of the ISA (PCT does not define what is patentable but knows certain exclusions from search!)

# Rule 39 (similar Rule 67 for IPEA)

## **Rule 39**

### **Subject Matter under Article 17(2)(a)(i)**

#### *39.1 Definition*

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

# PCT Minimum Documentation

- Not any written disclosure is to be searched: only **PCT minimum documentation** [Art. 15(4); Rule 34)] comprising :
  - International (PCT) applications
  - Any regional applications and patents
  - National patents and applications published after 1920 of
    - France, Germany, Japan, Soviet Union, Switzerland, UK, USA;
    - China, Korea, Russian Federation;
    - Any patents or applications in English, French, German, Spanish made available to ISA by interested authorities
  - Any ISA whose official language is not Chinese, Japanese, Korean, Russian is entitled to exclude such documents for which no abstract translated in English is available
  - Certain non-patent literature (NPL)
  - See WIPO Handbook [http://www.wipo.int/standards/en/part\\_04.html](http://www.wipo.int/standards/en/part_04.html)



# International Searching Authority (ISA)

- 'Competent ISAs' to be specified by each RO
- Appointed by GA for fixed period of time
- Minimum requirements [Rule 36.1]:
  - 100 full-time employees with
    - Sufficient technical expertise to carry out searches
    - Sufficient language skills to understand minimum documentation or translations of it
  - Access to minimum documentation
- Quality management system
- Holds appointment as IPEA
  - Corresponding minimum requirements for IPEA [Rule 63]

# Agreements of IB with ISA and IPEA

## ISA and IPEA Agreements

Agreements with the International Bureau of WIPO in relation to the functioning of the following Authorities as International Searching and International Preliminary Examining Authorities under the PCT (in PDF format):

AT	Austrian Patent Office
AU	Australian Patent Office
BR	National Institute of Industrial Property (Brazil)
CA	Canadian Intellectual Property Office
CN	State Intellectual Property Office of the People's Republic of China
EG	Egyptian Patent Office
EP	European Patent Office (EPO)
ES	Spanish Patent and Trademark Office
FI	National Board of Patents and Registration of Finland
IL	Israel Patent Office
IN	Indian Patent Office
JP	Japan Patent Office
KR	Korean Intellectual Property Office
RU	Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation)
SE	Swedish Patent and Registration Office
US	United States Patent and Trademark Office (USPTO)
XN	Nordic Patent Institute

Plus  
SG, UA, TR, XV, PH

[http://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](http://www.wipo.int/pct/en/access/isa_ipea_agreements.html)

# Example of ISA/IPEA agreement

## **Annex B**

### **Subject Matter Not Excluded from Search or Examination**

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination, is the following:

all subject matter which is searched or examined under the Canadian patent grant procedure.

# ISR

- ISR is "enriched" search report as it includes
  - List of relevant prior art documents (citations)  
plus indications:
    - For which claims a document is relevant
    - Which parts of the document are relevant (e.g. *line 5-6, page 7; drawing 6*) for those claims
    - Why the document is relevant (challenging novelty, inventive step; describing background art)
    - IPCs of the claimed subject matter
    - Limited search strategy: technology areas (IPC) searched
- Includes observations regarding lack of unity (Box III), or whether no meaningful search could be performed (clarity of claims)(Box II)

# Enriched prior art search reports



EUROPEAN SEARCH REPORT

Application Number  
EP 09 16 8955

Application number

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	EP 0 813 338 A2 (ROCKWELL INTERNATIONAL CORP [US]) 17 December 1997 (1997-12-17) * column 6, line 12 - column 8, line 26 * * column 8, line 52 - column 9, line 4; figure 1 *	1-13	INV. G01T1/17
Y	US 6 128 039 A (CHEN DATONG [US] ET AL) 3 October 2000 (2000-10-03) * column 3, line 57 - column 4, line 28; figure 2 *	1,3-7	
Y	US 6 163 029 A (YAMADA SHINICHI [JP] ET AL) 19 December 2000 (2000-12-19) * column 15, line 30 - column 16, line 45; figures 2,15,16 *	1,3-7	
A	FR 2 864 628 A1 (COMMISSARIAT ENERGIE ATOMIQUE [FR]) 1 July 2005 (2005-07-01) * page 4, line 18 - page 6, line 15; figure 3 *	1-13	
A,D	WO 2004/064168 A1 (SCHERRER INST PAUL [CH]; BROENNIMANN CHRISTIAN [CH]; SCHMITT BERND [CH]) 29 July 2004 (2004-07-29) * the whole document *	1-13	TECHNICAL FIELDS SEARCHED (IPC) G01T
E	WO 2009/131151 A1 (HAMAMATSU PHOTONICS KK [JP]; MORI HARUMICHI [JP]; KYUSHIMA RYUJI [JP];) 29 October 2009 (2009-10-29) * figure 12 *	1	
The present search report has been drawn up for all claims			
Place of search The Hague		Date of completion of the search 23 March 2010	Examiner Wulverycck, J
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone                      Y : particularly relevant if combined with another document of the same category                      A : technological background                      O : non-written disclosure                      P : intermediate document</p> <p>T : theory or principle underlying the invention                      E : earlier patent document, but published on, or after the filing date                      D : document cited in the application                      L : document cited for other reasons                      &amp; : member of the same patent family, corresponding document</p>			

International Patent Classification

Category X, Y, A, etc. [Sect. 505, 507]

Relevant to Claim ... [Sect. 508]

Cited documents

Technical fields searched

Searching Authority

Date of completion of the search

Examiner

# Citation details according to Rule 43.5

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	FR 2 862 349 A1 (MDI MOTOR DEV INTERNAT SA [LU]) 20 May 2005 (2005-05-20) the whole document figures 1-12	1-19
Y	----- US 4 651 525 A (CESTERO LUIS G [US]) 24 March 1987 (1987-03-24) abstract column 2, lines 12-36 column 7, lines 30-41 figure 1	1-19
Y	----- DE 24 22 672 A1 (EHSES GEORG) 20 November 1975 (1975-11-20) page 6, paragraph 2 - page 7, paragraph 1 ----- -/--	1,2, 12-14,16

# Categories of citations

- X particularly relevant if taken alone (novelty)
- Y particularly relevant if combined with another document of the same category (inventive step)
- A technological background
- O non written disclosure
- P intermediate document, i.e. published between the earliest priority date and the filing date
- E earlier document but published on or after the filing date
- T theory or principle underlying the invention
- D document cited in the application
  
- I (applied by EPO for some time in the past)

See 16.59ff of the [PCT Examination Guidelines](#)

**INTERNATIONAL SEARCH REPORT**

Limited explanations of search strategy [Rule 43.6]

**A. CLASSIFICATION OF SUBJECT MATTER**

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

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

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)


**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.



# Elements of the ISR

- Three obligatory elements
  - **Introductory statements**
    - References to four optional boxes
  - **Enriched citations**
  - **Parent family members for citations (language equivalents)**
- Optional boxes (I-IV) related to certain introductory statements

1. **Basis of the report**a. With regard to the **language**, the international search was carried out 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)).b.  This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).c.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.2.  **Certain claims were found unsearchable** (see Box No. II). 3.  **Unity of invention is lacking** (see Box No. III). 4. With regard to the **title**, the text is approved as submitted by the applicant. the text has been established by this Authority to read as follows:5. With regard to the **abstract**, the text is approved as submitted by the applicant. the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

obligatory

INTERNATIONAL SEARCH REPORT				International application No	
Information on patent family members				PCT/EP2007/059161	
Patent document cited in search report		Publication date	Patent family member(s)		Publication date
FR 2862349	A1	20-05-2005	AT 373769 T		15-10-2007
			AU 2004291704 A1		02-06-2005
			BR PI0416222 A		02-01-2007
			CN 1926307 A		07-03-2007
			EP 1702137 A1		20-09-2006
			WO 2005049968 A1		02-06-2005
			HR 20060223 A2		31-05-2007
			JP 2007511697 T		10-05-2007
			KR 20060124650 A		05-12-2006
			US 2007101712 A1		10-05-2007
US 4651525	A	24-03-1987	NONE		
DE 2422672	A1	20-11-1975	NONE		
US 3267661	A	23-08-1966	NONE		
FR 1009307	A	28-05-1952	NONE		

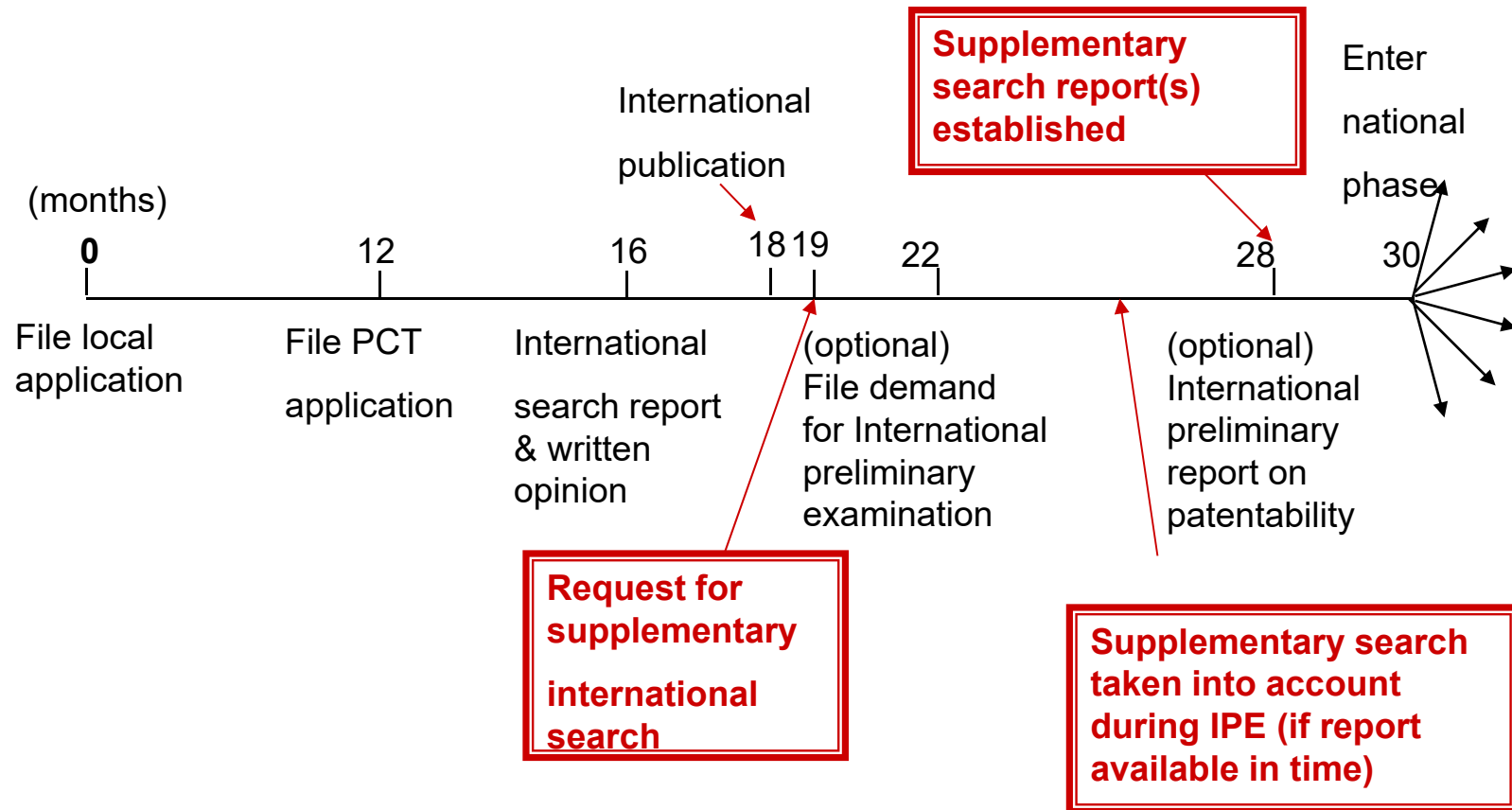
# ISR

- Communicated to applicant when established (≈16 months from priority date; 9 months from filing date)
- Communicated to DOs/EOs at national phase entry
- Available to general public through publication by IB (WO-A1/A3)
  - i.e. at the earliest 18 months after filing/priority date
- After publication also accessible as separate records in databases, with enrichments, in
  - CCD
  - EP-Register (if EPO national phase entry)
  - 'cited documents' link in Espacenet
- If no ISR is established a respective declaration is published (additional WO-A2) [Article 17, Rule 48]
- After receipt of ISR, applicant may amend claims once and submit statement [Article 19]

# Supplementary Int. Search Report (SISR)

- Addresses applicants' concerns about additional prior art not found by ISA, e.g. because of linguistic diversity
- Search of supplementary subject matter not covered by ISR
- Established by alternative authority, currently offered only by AT, EP, FI, RU, SE and XN (applicant has free choice)
- No written opinion
- Translated into English if necessary
- Not published but made available to public (file inspection)

# SIS in the PCT System



# Written Opinion (WO) & IPRP (Chapter I)

- WO is established together with ISR but not published with ISR
- Deals in substance with examination matters; Initial preliminary **non-binding opinion** on:
  - novelty (not anticipated)
  - inventive step (not obvious)
  - industrial applicability
- Relevant date for prior art is priority date!
- Provided to applicant with ISR
- WO is converted to IPRP (Chapter I) if no chapter II preliminary examination is requested, and communicated to DO (30 months) together with any informal comments of the applicant on WO-ISA
- Made publicly accessible (file inspection) at WO-A1/3 publication, e.g. in
  - Patentscope, EP-Register
  - not yet in CCD

# PCT – WO

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>3, 19</u>	
	No: Claims	<u>1, 2, 4-18, 20</u>	
Inventive step (IS)	Yes: Claims		
	No: Claims	<u>1-20</u>	
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>	
	No: Claims		
2. Citations and explanations			
<u>see separate sheet</u>			
Form PCT/ISA/237 (April 2007)			

Statements  
[Rule 70.6]

Explanations  
[Rule 70.8]

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/US2010/020787

**Re Item V**

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

- 1 Reference is made to the following documents:
- D1 US 2002/186921 A1 (SCHUMACHER LYNN C [CA] ET AL) 12 December 2002 (2002-12-12)
- D2 WO 2007/136816 A2 (MASSACHUSETTS INST TECHNOLOGY [US]; BULOVIC VLADIMIR [YU]; KYMISSIS IO) 29 November 2007 (2007-11-29)
- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 4-15, 17-18, 20 is not new in the sense of Article 33(2) PCT.
- 2.1 D1 discloses  
an optical fiber capable of being diagnosed non-invasively comprising an optical fiber (12) for conveying a light beam; said optical fiber comprising a first end for receiving said light beam and a second end opposed thereto, a core (14) comprising an inner wall, and a cladding (16) surrounding said core, said optical fiber further comprising at least one uncladded portion comprising a plurality of quantum dots (26) dispersed in a medium, wherein said quantum dots become activated by evanescent wave coupling resulting from total internal reflection of said light beam contacting said inner wall of said optical fiber core and wherein said activation results in emittance of light from said quantum dots (Fig. 2c; paragraphs [0033], [0045]).  
Therefore, the subject-matter of present claim 1 is not novel over the teachings of D1.
- 2.2 D1 also discloses



# International preliminary examination

- IPE may be chosen, e.g., after negative ISA-WO
  - To have additional opportunities to amend claims, description, drawings
  - Communicate to some extent with examiner
- Examination is based on claims amended after ISR [Art. 19] or claims amended with request for IPE [Art. 34]
- Claims relating to subject matter not searched by the ISA need not be examined by the IPEA [Rules 66.1(e)]
- Relevant date for prior art is priority date (priority period for claiming priority is extended to 14 month; [Rule 64.18(b)(iii)])
- Prior art described in ISR and SISR is considered; additional prior art may be considered
- No obligation of IPEA to conduct additional search

# IPEA & IPRP (Chapter II) (=IPER)

- IPEA obliged to issue a WO before issuing negative IPRP (right to be heard), or in case of other defects [Rule 66.2]
- Applicant is invited to respond and submit amendments
  - No obligation of IPEA to respond to responses
- Multiple WO (IPEA) and responses/amendments by applicant are possible [Rule 66.4], however limited time frame for IPRP
- Applicant can request hearing
- IPEA completes with the issuing of the IPRP (Ch. II) (=IPER)
- IPRP may cite additional prior art, no extra search report is published
- Statements and explanations on novelty, inventive step, industrial applicability; no statement on patentability as such, or other related aspects
- IPRP shall call attention to non written prior art and "certain documents" (later published prior art) [Rule 70.9, 70.10]

# IIPRP (Chapter II)

- Communicated to EOs (30 months)
- Mostly available through file inspection, e.g.
  - Patentscope
  - EP-Register
  - Global Dossier
  - not yet CCD

# Requirements of patentability (generic)

- Examination has to check
  - Technical nature
  - Unity
  - ~~■ No case of **exclusion**~~
  - Industrial applicability
  - Novelty
  - Inventive step
  - ~~■ Sufficient disclosure~~
  - Legal certainty of claims (clarity)
  - Additions to initial disclosure

**PCT: ISA may decline search**

Should be checked before prior art search

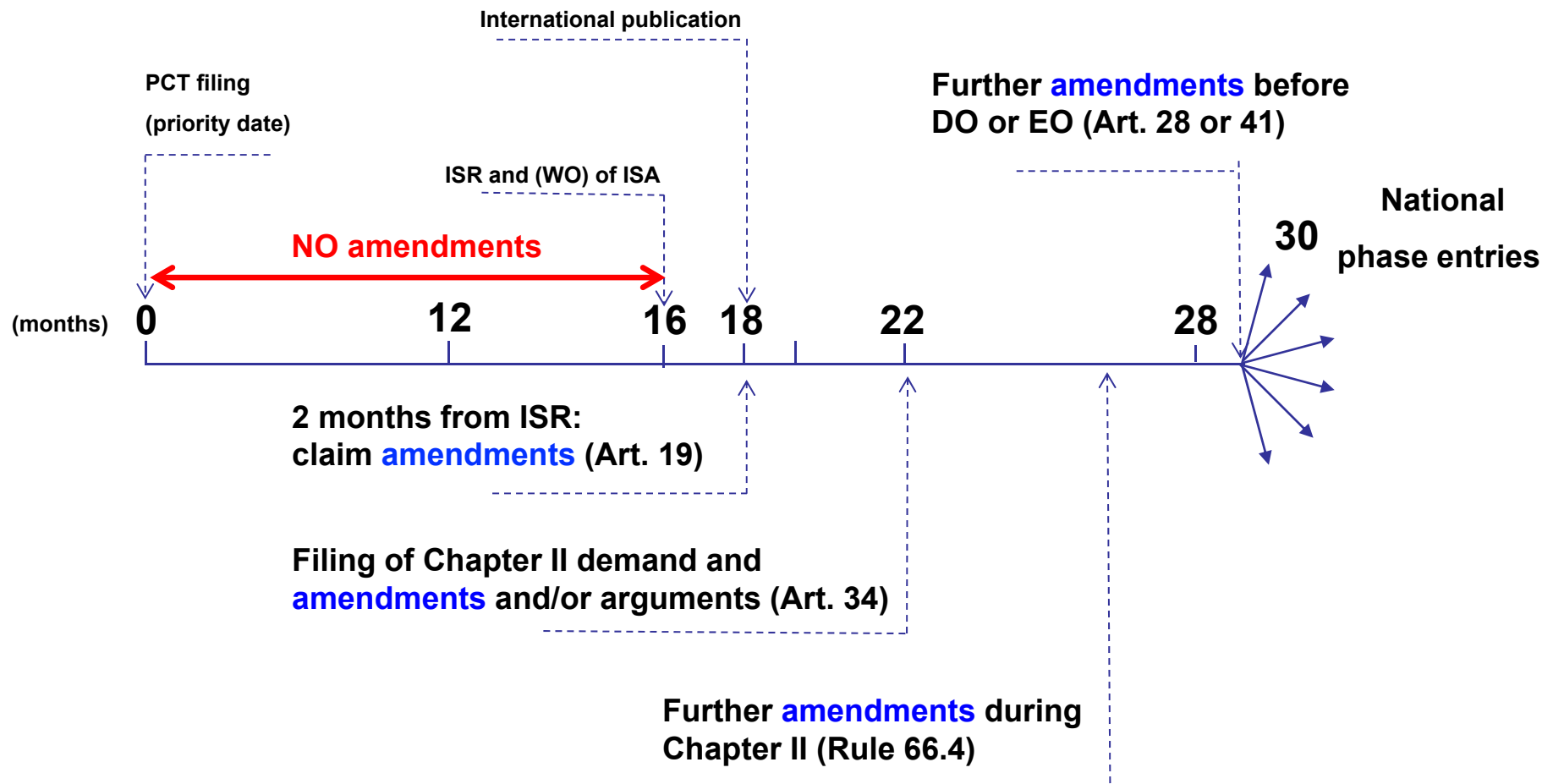
Requires prior art search

**PCT: Not examined**

# What can applicants do (after filing) ?

- Submit missing parts of application
- Request rectifications of obvious mistakes
- Amend claims after receipt of ISR (amendments **before IB**; **Article 19**)
- Submit comments on 1<sup>st</sup> WO
- Amend claims, description, drawings **before DO** (**Article 28**), i.e. in national phase
- Request IPE
  - Amend claims, description, drawings **before IPEA** (**Article 34**)
  - Request hearing before issuing of IPRP (chapter II)
  - Respond to 2<sup>nd</sup> and further WOs
  - **Further amendments** during IPE (**Rule 66.4**)
- Amend claims, description, drawings **before EO** (**Article 41**), i.e. in national phase

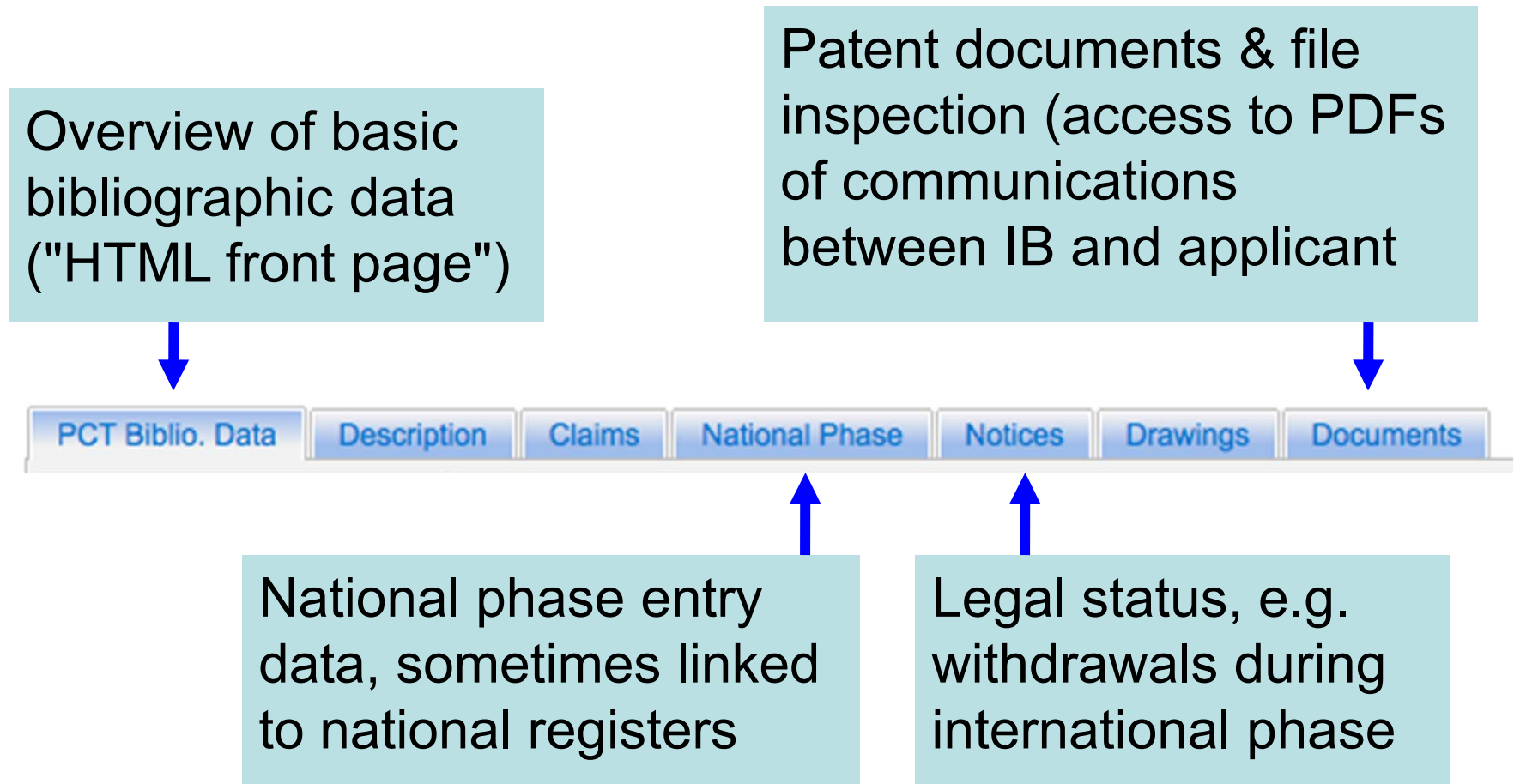
# Amendments of claims



# Summary PCT S&E Products

- **International search report (ISR):**
  - Available as WO-A1 or WO-A3 publication
  - 18 months or more after filing/priority date
- **Written opinion of ISA (WO-ISA)**
  - Available through file inspection (through Patentscope or Espacenet)
  - 30 months after filing/priority date (at national phase entry)
- **Supplementary international search report (SISR)** (where applicable)
- **International preliminary report on patentability (IPRP Ch. I and II)**
  - Available through file inspection (through Patentscope or Espacenet)
  - 30 months after filing/priority date (at national phase entry)
- **(Third party observations)**
  - Available through file inspection (through Patentscope or Espacenet)
  - At earliest 18 months after filing/priority date

# Where to find products: Patentscope





# Patentscope: national phase data

WIPO PATENTSCOPE  
 Search International and National Patent Collections  
 WORLD INTELLECTUAL PROPERTY ORGANIZATION  
 Search | Browse | Translate | Options | News | Login | Help

Home > IP Services > PATENTSCOPE

1. (WO2007111918) HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE

Available information on National Phase entries [\(more information\)](#)


Office	Entry Date	National Number	National Status
Australia	16.09.2008	<a href="#">2007231591</a>	Published: 09.10.2008
Canada	17.09.2008	<a href="#">2646350</a>	
European Patent Office (EPO)	24.09.2008	<a href="#">2007753679</a>	Published: 03.12.2008
India	19.09.2008	<a href="#">3822/KOLNP/2008</a>	Published: 27.02.2009
Japan	22.09.2008	2009501550	

National phase application numbers  
 Link to national register  
 unlinked

US NPE?

# Patentscope: PCT file inspection

## 2. (WO2007111918) HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE

PCT Biblio. Data	Description	Claims	National Phase	Notices	Drawings	Documents
International Application Status 						
Date	Title	View	Download			
17.11.2013	International Application Status Report	HTML, PDF	PDF, XML			
Published International Application						
Date	Title	View	Download			
04.10.2007	Initial Publication without ISR (A2 40/2007)	PDF (80p.)	PDF (80p.), ZIP(XML + TIFFs)			
31.01.2008	Later publication of international search report (A3 05/2008)	PDF (7p.)	PDF (7p.), ZIP(XML + TIFFs)			
Related Documents on file at the International Bureau						
Date	Title	View	Download			
23.09.2008	(IB/373) International Preliminary Report on Patentability Chapter I	PDF (9p.)	PDF (9p.), ZIP(XML + TIFFs)			
23.09.2008	Written Opinion of the International Search Authority	PDF (8p.)	PDF (8p.), ZIP(XML + TIFFs)			
04.10.2007	(RO/101) Request form	PDF (4p.)	PDF (4p.), ZIP(XML + TIFFs)			
04.10.2007	US 60/785,512 23.03.2006 (Pr. Doc.)	PDF (57p.)				
04.10.2007	US 60/785,548 23.03.2006 (Pr. Doc.)	PDF (51p.)				
04.10.2007	(IB/304) Notification Concerning Submission or Transmittal of Priority Document	PDF (1p.)				

Covers only international phase

# National phase challenges

- Claims may be different from claims in international phase
  - Usually the case if WO finds claims not patentable (X,Y documents in ISR)
  - If the amended claims include features taken from the description, these features are not covered by ISR, IPRP; i.e. these reports may be of limited use
  - top-up searches may be required if the prior art cited in ISR, IPRP does not show these features;
  - Check if similar claims are submitted for the national phases at other IPOs; use respective S&E results, if available
- ISA/IPEA assumes validity of priority if priority document is not available; requires checking of validity in national phases

# National phase challenges

- Differences of patent laws, e.g. exclusions, examination guidelines applied by ISA/IPEA;
- In particular, there is no "international" case law on interpretation of PCT Treaty and Regulations (since there is no appeal); consequently ISA/IPEA apply their respective case law.
- Trust/confidence in IPEA/ISA results
  - EPO always conducts supplementary search if EPO is not ISA
  - Other IPOs also often conduct supplementary searches if ISR has only A documents
- Small IPOs: same task like bigger offices but limited resources
  - Consider utilization of S&E results of other national phases, but observe national sovereignty

# Sample case PG/P/2011/00033



WO2010098129 (A1)

## Bibliographic data

Description

Claims

Mosaics

Original document

Cited documents

Citing documents

INPADOC legal status

INPADOC patent family

## Quick help

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- [What does A1, A2, A3 and B stand for after a European publication number?](#)
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## Bibliographic data: WO2010098129 (A1) — 2010-09-02

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## METHOD FOR COLLECTING HYDROCARBON COMPOUND FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON

Page bookmark [WO2010098129 \(A1\) - METHOD FOR COLLECTING HYDROCARBON COMPOUND FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON](#)Inventor(s): [TASAKA KAZUHIKO \[JP\]](#) ±Applicant(s): [JAPAN OIL GAS & METALS JOGMEC \[JP\]](#); [INPEX CORP \[JP\]](#); [NIPPON OIL CORP \[JP\]](#); [JAPAN PETROLEUM EXPLORATION CO \[JP\]](#); [COSMO OIL CO LTD \[JP\]](#); [NIPPON STEEL ENG CO LTD \[JP\]](#); [TASAKA KAZUHIKO \[JP\]](#)Classification: - international: [C10G2/00](#)- cooperative: [B01D3/00](#); [B01D53/1475](#); [B01D53/1487](#); [C10G2/30](#); [C10G21/28](#); [C10K1/143](#); [C10K1/18](#); [B01D53/1425](#); [C10G2300/1022](#); [C10G2300/301](#); [C10G2300/44](#); [Y02C10/06](#); [Y02P20/152](#)Application number: [WO2010JP01325 20100226](#) ⓘ [Global Dossier](#)Priority number(s): [JP20090046151 20090227](#)Also published as: [AU2010219005 \(A1\)](#) [AU2010219005 \(B2\)](#) → [BRPI1007862 \(A2\)](#) [CA2752839 \(A1\)](#) [CA2752839 \(C\)](#) → [more](#)PDF with  
Search Report

**INTERNATIONAL SEARCH REPORT**

International application No.  
PCT/JP2010/001325

**A. CLASSIFICATION OF SUBJECT MATTER**

C10G2/00(2006.01) i

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

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

C10G2/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho	1922-1996	Jitsuyo Shinan Toroku Koho	1996-2010
Kokai Jitsuyo Shinan Koho	1971-2010	Toroku Jitsuyo Shinan Koho	1994-2010

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

JSTPlus (JDreamII), JST7580 (JDreamII)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2005-530892 A (Chevron USA Inc.), 13 October 2005 (13.10.2005), claim 8; paragraphs [0047], [0075] & US 6774148 B2 & US 2003/0236312 A1 & GB 2391014 A & GB 2409460 A & WO 2004/000772 A1	1-9
A	AUDUS et al.CO <sub>2</sub> Abatement in Gas-To-Liquid Plants, Stud.Surf.Sci.Catal., 2001, 136, p.519-524	1-9





- WO2010098129 (A1)
- Bibliographic data
- Description
- Claims
- Mosaics
- Original document
- Cited documents
- Citing documents
- INPADOC legal status
- INPADOC patent family**

### Family list: WO2010098129 (A1) — 2010-09-02 RSS: family dossiers

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**12 application(s) for: WO2010098129 (A1)**

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**1. METHOD FOR COLLECTING HYDROCARBON COMPOUND FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON**

<b>Inventor:</b> TASAKA KAZUHIKO [JP]	<b>Applicant:</b> JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+5)	<b>CPC:</b> <a href="#">B01D3/00</a> <a href="#">B01D53/1425</a> <a href="#">B01D53/1475</a> (+10)	<b>IPC:</b> C10G2/00	<b>Publication info:</b> WO2010098129 (A1) 2010-09-02 <a href="#">Global Dossier</a>	<b>Priority date:</b> 2009-02-27
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**2. Method for collecting hydrocarbon compound from gaseous by-product and apparatus for collecting hydrocarbon**

<b>★ Inventor:</b> KAZUHIKO TASAKA	<b>Applicant:</b> JAPAN PETROLEUM EXPLORATION CO NIPPON STEEL ENG CO LTD (+4)	<b>CPC:</b> <a href="#">B01D3/00</a> <a href="#">B01D53/1425</a> <a href="#">B01D53/1475</a> (+10)	<b>IPC:</b> C10G2/00	<b>Publication info:</b> AU2010219005 (A1) 2011-09-15 AU2010219005 (B2) 2013-05-16	<b>Priority date:</b> 2009-02-27
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**Family**



# PG/P/2011/00033 Family list (partial)



## 4. A METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

<p>★ <b>Inventor:</b> TASAKA KAZUHIKO [JP]</p>	<p><b>Applicant:</b> JAPAN OIL GAS &amp; METALS JOGMEC [JP] INPEX CORP [JP] (+4)</p>	<p><b>CPC:</b> B01D3/00</p>	<p><b>IPC:</b> C10G2/00</p>	<p><b>Publication info:</b> CA2752839 (A1) 2010-09-02 CA2752839 (C) 2014-02-18</p>	<p><b>Priority date:</b> 2009-02-27</p>
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Grant

## 5. Method for collecting hydrocarbon compound from gaseous by-product and apparatus for collecting hydrocarbon

<p>★ <b>Inventor:</b> KAZUHIKO TASAKA</p>	<p><b>Applicant:</b> JAPAN OIL GAS &amp; METALS JOGMEC INPEX CORP (+4)</p>	<p><b>CPC:</b> B01D3/00</p>	<p><b>IPC:</b> C10G2/00</p>	<p><b>Publication info:</b> CN102333846 (A) 2012-01-25 CN102333846 (B) 2014-01-29</p>	<p><b>Priority date:</b> 2009-02-27</p>
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Grant

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## 6. METHOD FOR COLLECTING HYDROCARBON COMPOUNDS FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON

<p>★ <b>Inventor:</b> Тасака, Казухико</p>	<p><b>Applicant:</b> ДЖЭПЭН ОЙЛ, ГЭЭ ЭНД МЕТАЛЗ НЭШНЛ КОРПОРЕЙШН, ИНПЕКС КОРПОРЕЙШН, (+4)</p>	<p><b>CPC:</b> B01D3/00</p>	<p><b>IPC:</b> C10G2/00</p>	<p><b>Publication info:</b> EA201170995 (A1) 2012-02-28 EA018772 (B1) 2013-10-30</p>	<p><b>Priority date:</b> 2009-02-27</p>
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Grant

## 7. METHOD FOR COLLECTING HYDROCARBON COMPOUND FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON

<p>★ <b>Inventor:</b> TASAKA KAZUHIKO [JP]</p>	<p><b>Applicant:</b> JAPAN OIL GAS &amp; METALS JOGMEC [JP] INPEX CORP [JP] (+4)</p>	<p><b>CPC:</b> B01D3/00</p>	<p><b>IPC:</b> B01D53/14</p>	<p><b>Publication info:</b> EP2402418 (A1) 2012-01-04 EP2402418 (A4) 2012-11-21</p>	<p><b>Priority date:</b> 2009-02-27</p>
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No grant

A4: supplementary search report

[Global Dossier](#)

## 8. METHOD FOR COLLECTING HYDROCARBON FROM FT GAS COMPONENT AND APPARATUS FOR COLLECTING HYDROCARBON

<p>★ <b>Inventor:</b> TASAKA KAZUHIKO</p>	<p><b>Applicant:</b> JAPAN OIL GAS &amp; METALS JOGMEC INPEX CORP (+4)</p>	<p><b>CPC:</b> B01D3/00</p>	<p><b>IPC:</b> C10G2/00</p>	<p><b>Publication info:</b> JP2010202677 (A) 2010-09-16 JP5301318 (B2) 2013-09-25</p>	<p><b>Priority date:</b> 2009-02-27</p>
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Grant

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**SUPPLEMENTARY  
EUROPEAN SEARCH REPORT**

Application Number  
EP 10 74 6012

<b>DOCUMENTS CONSIDERED TO BE RELEVANT</b>			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	US 2 514 340 A (RUPP WALTER H) 4 July 1950 (1950-07-04) * column 1, line 50 - column 2, line 11 * * column 2, line 32 - column 3, line 19 * * column 5, line 4 - column 6, line 64 * * figure 1 *	1-9	INV. C10G2/00 B01D53/14 B01D53/78 C10G21/14 C10G21/28 C10K1/10 C10K1/18 C10L3/12
X	----- US 2003/203983 A1 (O'REAR DENNIS J [US] ET AL MUNSON CURTIS L [US] ET AL) 30 October 2003 (2003-10-30) * paragraphs [0050] - [0052], [0069], [0089] - [0092] * * figure 2 *	1-9	
A	----- EP 1 887 072 A1 (SHELL INT RESEARCH [NL]) 13 February 2008 (2008-02-13) * paragraphs [0005] - [0008], [0016] - [0033] *	1-9	
A	----- US 4 401 450 A (SCHRAMM WALTER [DE]) 30 August 1983 (1983-08-30) * column 5, line 53 - column 7, line 35 * * claim 1; figure 1 *	1-9	TECHNICAL FIELDS SEARCHED (IPC)
A	----- WO 2007/077137 A1 (SHELL INT RESEARCH [NL]; BRAS EDUARD COENRAAD [NL]; GEUZEBROEK FRANK H) 12 July 2007 (2007-07-12) * page 15, lines 16-20 * * page 15, line 29 - page 16, line 14 * * page 17, lines 16-26 * * page 18, lines 15-25 *	1-9	B01D C10G C10K C10L
A,D	----- US 6 958 364 B1 (MACPHERSON STUART R [GB] ET AL) 25 October 2005 (2005-10-25) * the whole document *	1-9	

# PG/P/2011/00033 Part of EP dossier

All documents: EP2402418

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<input type="checkbox"/>	18.09.2017	<a href="#">Closing of application</a>	Search / examination	
<input type="checkbox"/>	07.06.2017	<a href="#">Application deemed to be withdrawn ( translations of claims/payment missing from 01-04-2012)</a>	Search / examination	
<input type="checkbox"/>	04.04.2017	<a href="#">Notice drawing attention to the payment of the renewal fee and additional fee</a>	Search / examination	
<input type="checkbox"/>	21.12.2016	<a href="#">Bibliographic data of the European patent application</a>	Search / examination	
<input type="checkbox"/>	21.12.2016	<a href="#">Communication about intention to grant a European patent</a>	Search / examination	
<input type="checkbox"/>	21.12.2016	<a href="#">Intention to grant (signatures)</a>	Search / examination	
<input type="checkbox"/>	21.12.2016	<a href="#">Text intended for grant</a>	Search / examination	
<input type="checkbox"/>	21.12.2016	<a href="#">Text intended for grant (clean copy)</a>	Search / examination	
<input type="checkbox"/>	09.11.2016	<a href="#">Examination started</a>	Search / examination	
<input type="checkbox"/>	12.03.2015	<a href="#">Document concerning representation</a>	Search / examination	

withdrawn

Intention to grant

accepted claims


# PG/P/2011/00033 Family list

## 9. A METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

★	<b>Inventor:</b> TASAKA KAZUHIKO [JP]	<b>Applicant:</b> JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+4)	<b>CPC:</b> <u>B01D3/00</u> <u>B01D53/1425</u> <u>B01D53/1475</u> (+10)	<b>IPC:</b> C10G2/00	<b>Publication info:</b> MY158207 (A) 2016-09-15	<b>Priority date:</b> 2009-02-27
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## 10. METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

★	<b>Inventor:</b> TASAKA KAZUHIKO [JP]	<b>Applicant:</b> TASAKA KAZUHIKO [JP]	<b>CPC:</b> <u>B01D3/00</u> <u>B01D53/1425</u> <u>B01D53/1475</u> (+10)	<b>IPC:</b> B01J8/00 C07C27/00	<b>Publication info:</b> US2011306682 (A1) 2011-12-15 US8729139 (B2) 2014-05-20	<b>Priority date:</b> 2009-02-27
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## 11. METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

★	<b>Inventor:</b> TASAKA KAZUHIKO [JP]	<b>Applicant:</b> JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+4)	<b>CPC:</b> <u>B01D3/00</u> <u>B01D53/1425</u> <u>B01D53/1475</u> (+10)	<b>IPC:</b> B01D3/00	<b>Publication info:</b> US2014322095 (A1) 2014-10-30	<b>Priority date:</b> 2009-02-27
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## 12. A METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

★	<b>Inventor:</b> TASAKA KAZUHIKO	<b>Applicant:</b> JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+4)	<b>CPC:</b> <u>B01D3/00</u> <u>B01D53/1425</u> <u>B01D53/1475</u> (+10)	<b>IPC:</b> C10G	<b>Publication info:</b> ZA201105999 (B) 2012-10-31	<b>Priority date:</b> 2009-02-27
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07.01.2014	<u>Notice of Allowance and Fees Due (PTOL-85)</u>	Grant decision	8
16.12.2013	<u>Fee Worksheet (SB06)</u>		1
16.12.2013	<u>Extension of Time</u>		1
16.12.2013	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>		1
16.12.2013	<u>Fee Worksheet (SB06)</u>		2
16.12.2013	<u>Claims</u>	amended claims	3
16.12.2013	<u>Applicant Arguments/Remarks Made in an Amendment</u>		4
16.12.2013	<u>Transmittal Letter</u>		1
16.12.2013	<u>EFS Acknowledgment Receipt</u>		2
14.08.2013	<u>List of references cited by examiner</u>	US Search report	1
14.08.2013	<u>Examiner's search strategy and results</u>		20
14.08.2013	<u>Non-Final Rejection</u>	US examination report	10



Claims 1-6 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over De Graaf et al (US 2004/0220443 A1) in view of MacPherson et al (USPN 6,958,364 B1) and/or further in view of Steynberg et al (US 20090186952 A1) .

Applicant's claimed invention is directed to a method for recovering hydrocarbon compounds from gaseous by-products generated in a Fischer-Tropsch synthesis reaction, the method comprising: absorbing light hydrocarbon compounds and gaseous by-products using an absorption solvent including liquid

Relevant prior art not seen by any other examiner

# PG/P/2011/00033 Common Citation Document



ccd.fiveipoffices.org/CCD-2.1.6/html/viewCcd.html?num=WO2010JP01325&format=epodoc&type=application

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Application	Cat.	Citation details	Claims
JP20090046151		JP2005530892 A - 13 October 2005	
WO2010JP01325	A	JP2005530892 A - 13 October 2005	
US201013138472		US2003236312 A1 (O'REAR DENNIS J, , et al) - 25 December 2003	
US201013138472		JP2004323626 A (JAPAN ENERGY CORP, et al) - 18 November 2004	
WO2010JP01325		JP2004323626 A (JAPAN ENERGY CORP, et al) - 18 November 2004	
US201013138472		US2004220443 A1 (DE GRAAF JOHANNES DIDERICUS, , et al) - 4 November 2004	
US201013138472		US2004220443 A1 (DE GRAAF JOHANNES DIDERICUS, , et al) - 4 November 2004	
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EP20100746012	I	US2003203983 A1 (O'REAR DENNIS J, , et al) - 30 October 2003 * paragraphs [0050] - [0052] - [0069] , [0089] - [0092] * * figure 2 *	1-9
US201414267380		US4797140 A (LINDE AG [DE]) - 10 January 1989	
US201013138472		US4401450 A (LINDE AG [DE]) - 30 August 1983	
EP20100746012	A	US4401450 A (LINDE AG [DE]) - 30 August 1983 * column 5, line 53 - column 7, line 35 * * figure 1; claim 1 *	1-9

Relevant prior art; seen only by US examiner



WO2010JP01325		JP2004323626 A (JAPAN ENERGY CORP, et al) - 18 November 2004	
US201013138472		US2004220443 A1 (DE GRAAF JOHANNES DIDERICUS, , et al) - 4 November 2004	
US201013138472		US2003203983 A1 (O'REAR DENNIS J, , et al) - 30 October 2003	
EP20100746012	I	US2003203983 A1 (O'REAR DENNIS J, , et al) - 30 October 2003 * paragraphs [0050] - [0052] - [0069] - [0089] - [0092] * * figure 2 *	1-9
US201414267380		US4797140 A (LINDE AG [DE]) - 10 January 2003	
US201013138472		US4401450 A (LINDE AG [DE]) - 30 April 2003	
EP20100746012		US4401450 A (LINDE AG [DE]) - 30 April 2003	

Relevant prior art from EP-A4; seen by EP and US examiner



# Sample case PG/P/2011/00033

- AU, CA granted original claim of WO-A1
- PG: Applicant requests grant according to AU
- EP examiner has seen additional prior art
  - some also seen by US examiner (X-type)
  - some not seen by US examiner
  - Acceptable main claim different from WO-A1 main claim
- US examiner has seen additional prior art
  - Was not seen by EP examiner
  - Acceptance after EP intention to grant
  - Apparatus not patentable
  - Method main claim acceptable; different from WO-A1 main claim; different from EP main claim (intention to grant)

What would you do?

# Amendments of US main claim over WO-A1

A method for recovering hydrocarbon compounds from gaseous by-products generated in a Fischer-Tropsch synthesis reaction, the method comprising:  
absorbing light hydrocarbon compounds and ~~a~~ carbon dioxide gas from the gaseous by-products using an absorption solvent including liquid hydrocarbon compounds and a carbon dioxide gas absorbent; ~~separating the absorption solvent which has absorbed~~ to remove the light hydrocarbon compounds and the carbon dioxide gas ~~into the~~ from the gaseous by-products;  
separating the liquid hydrocarbon compounds ~~and the containing absorbed light hydrocarbon compounds from the~~ carbon dioxide gas absorbent; ~~containing absorbed carbon dioxide gas;~~  
heating the ~~separated~~ liquid hydrocarbon compounds, which have been separated from the carbon dioxide gas absorbent, to recover the light hydrocarbon compounds from the ~~separated~~ liquid hydrocarbon compounds;  
heating the ~~separated~~ carbon dioxide gas absorbent, which has been separated from the liquid hydrocarbon compounds, to strip the carbon dioxide gas from the ~~separated~~ carbon dioxide gas absorbent; and  
reusing the gaseous by-products from which the light hydrocarbon compounds and the carbon dioxide gas ~~are absorbed~~ have been removed as a feedstock gas for the Fischer-Tropsch synthesis reaction.

# Amendments of EP main claim over WO-A1

A method for recovering hydrocarbon compounds from gaseous by-products generated in a Fischer-Tropsch synthesis reaction, the method comprising:

absorbing light hydrocarbon compounds of which a number of carbon atoms is 3 or more and a carbon dioxide gas ~~from the gaseous by-products using in~~ an absorption solvent which is a mixed liquid including liquid hydrocarbon compounds and a carbon dioxide gas absorbent containing an amine, to remove the light hydrocarbon compounds and the carbon dioxide gas from the gaseous by-products;

separating the absorption solvent ~~which has absorbed the light hydrocarbon compounds and the carbon dioxide gas into~~ the liquid hydrocarbon compounds, in which the light hydrocarbon compounds are absorbed, and the carbon dioxide gas absorbent, in which the carbon dioxide gas is absorbed;

heating the ~~separated liquid hydrocarbon compounds, which have been separated from the carbon dioxide gas absorbent,~~ to recover the light hydrocarbon compounds from the separated-liquid hydrocarbon compounds;

heating the ~~separated carbon dioxide gas absorbent, which has been separated from the liquid hydrocarbon compounds,~~ to strip the carbon dioxide gas from the separated-carbon dioxide gas absorbent; and

reusing the gaseous by-products from which the light hydrocarbon compounds and the carbon dioxide gas ~~are absorbed~~ have been removed as a feedstock gas for the Fischer-Tropsch synthesis reaction.

# Case study PCT/IB2012/000824

EPO as ISA, X documents in ISR

## Grants:

- NZ 2015-10-30
- **EP 2016-04-27**
- GE 2016-11-10
- EA 2016-12-30
- **EP opposition 2017-1-27**
- JP 2017-03-08
- AU 2017-04-20
- CN 2017-06-09
- UA 2017-07-25
- IL 2017-11-30

## Still pending:

- US, CA, BR

# EP main claim compared to WO-A1 claim

1. A liquid oral composition selected from the group consisting of a pharmaceutical ~~composition~~, nutritional, medical food, functional food, clinical nutrition, medical nutrition or dietetic preparation, comprising a long chain polyunsaturated fatty acid (PIJFAPUFA) fraction, comprising eicosapentaenoic acid (EPA), docosahexaenoic acid (DMADHA), linoleic acid (LA) and gamma linolenic acid (GLA); one or more other omega-3 PUFAs; and one or more monounsaturated fatty acid (MUFA)-); and wherein the EPA is present in an amount of 500 mg to 5000 mg; and/or wherein the DHA is present in an amount of 1000 mg to 12000 mg.

# AU main claim compared to EP main claim

1. A liquid oral composition selected from the group consisting of a pharmaceutical, nutritional, medical food, functional food, clinical nutrition, medical nutrition or dietetic preparation, comprising  
\_ a long chain polyunsaturated fatty acid (PUFA) fraction, comprising eicosapentaenoic acid (EPA), docosahexaenoic acid (DHA), linoleic acid (LA) and gamma linolenic acid (GLA);  
one or more other omega-3 PUFAs; ~~and~~  
one or more monounsaturated fatty acid (MUFA);  
~~and~~ and a therapeutically effective amount of gamma-tocopherol;  
wherein the EPA is present in an amount of about 500 mg to about 5000 mg;  
, and/or ~~wherein~~ the DHA is present in an amount of about 1000 mg to about 12000 mg.

# JP-B main claim

## Claims: JP6092843 (B2) — 2017-03-08

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### Compositions and Methods for Treating Neurologic Disorders

#### Claims of JP6092843 (B2)

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[AU2012235869 \(A1\)](#) [CA2831506 \(A1\)](#) [CN104010634 \(A\)](#) [DK2691086 \(T3\)](#) [EA201391407 \(A1\)](#) [EP2691086 \(B1\)](#) [ES2585066 \(T3\)](#) [HRP20160939 \(T1\)](#) [HUE028065 \(T2\)](#) [MX2013011295 \(A\)](#) [PL2691086 \(T3\)](#) [US2012252888 \(A1\)](#) [WO2012131493 \(A1\)](#)

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Original claims

Claims tree

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1. エイコサペンタエン酸 (E P A)、ドコサヘキサエン酸 (D H A)、リノール酸 (L A) およびガンマリノレン酸 (G L A) を含む、長鎖ポリ不飽和脂肪酸 (P U F A) フラクション；  
—または複数の他のオメガ-3 P U F A ；  
—または複数のモノ不飽和脂肪酸 (M U F A) ；および  
治療的に効果的な量のガンマトコフェロール  
を含む、神経変性疾患を治療または予防するための 液体経口用医薬組成物であって、アラキドン酸を本質的に含まない、医薬組成物。



# Machine translation JP-B main claim

A long chain polyunsaturated fatty acid (PUFA) fraction including eicosapentaenoic acid (EPA), docosahexaenoic acid (DHA), linoleic acid (LA) and gamma linolenic acid (GLA); one or more other omega-3 PUFAs; A liquid oral pharmaceutical composition for treating or preventing a neurodegenerative disease comprising one or more monounsaturated fatty acids (MUFAs);

and a therapeutically effective amount of gamma-tocopherol,

wherein arachidonic acid pharmaceutical composition essentially free.



# EP Register

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Opposition 27.1.2017

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2017-03-27	EPFER2691086.pdf	S					
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2017-03-24	Amendment 24-03-2017 SPBI-0001223754	A					
2017-03-24	Amendment 24-03-2017 SPBI-0001223754	AMENDMENT	FILED	574			
2017-03-24	Amendment 24-03-2017 SPBI-0001223754	AMENDMENT	FILED	507			
2017-03-24	Exam Response 24 Mar 2017 SPBI-0001223754 OTHER	A					
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2016-03-15	EPFER2691086.pdf	SEARCH RESULTS	FILED	1941			

Notice of Acceptance  
5.4.2017

Examination report  
4.4.2016

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Gosmann, Martin  
Gospat-Patentanwalt  
Schlägerstraße 23  
30171 Hannover  
ALLEMAGNE

Opposition publicly  
visible at the latest on  
8.2.2017

Date  
08.02.2017

Reference MBR12329889WOEP	Application No./Patent No. 12727411.6 - 1453 / 2691086
Applicant/Proprietor Palupa Medical Ltd.	

### Communication of a notice of opposition

You are hereby informed of a notice of opposition to the European patent specified above (see attached copy in the enclosure). The documents specified as patent documents in the notice of opposition are available for inspection via the European Patent Register at [www.epo.org/register](http://www.epo.org/register). Should you wish to receive these documents in paper format, they will be supplied to you free of charge if specifically requested on receipt of this communication (see OJ EPO 2009, 434).

If oral proceedings are to take place, parties are advised to check the electronic file via European Patent Register in advance of the hearing to ensure they are in possession of all relevant documents.

An invitation to file observations and to file amendments, where appropriate, to the description, claims and drawings (R. 79(1) EPC) will be issued separately.

# Notice of Acceptance

 **Australian Government**  
**IP Australia**

5 April 2017

## Notice of acceptance for patent application

Davies Collison Cave Pty Ltd  
Level 15  
MELBOURNE VIC 3000  
Australia

**Your reference** 35208220/MAL/SXV/SZP  
**Application number** 2012235869  
**Applicant name** Palupa Medical Ltd.

Dear Davies Collison Cave Pty Ltd,

This patent application was accepted on 27 March 2017. The accepted specification incorporates the following amendments:

S104 amendments up to and including item number: 2

The total number of claims at acceptance has been reported as: 28

  
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Date of Acceptance  
27.3.2017

EP opposition documents were already publicly accessible

Thank you

[lutz.mailander@wipo.int](mailto:lutz.mailander@wipo.int)