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EUROPEAN PATENT OFFICE

European Application number: 17849813.5

Dear Sir/Madam,

With reference to the section 6.2 of the 1200 form please find below, in the present Letter, my comments on the Preliminary Examination Report explaining that the mentioned report is not legally binding, the documents on which the International Preliminary Examination report is based are not the proper documents and the IPER report is unreliable. **Therefore in compliance with PCT I intend the Application amended under article 34 of PCT for proceedings before the EPO.** Taking above into consideration present letter as it refers to the not legally binding Report can be taken into account to help to avoid the repetition of creation of unreliable documents which can cause the initiations of the process of claiming for compensation because of the intentional damage of my invention caused by false information contained in the documentation issued by Authority and to dispel Authority's doubts in the case the same concerns will appear again because of the any reasons. It is worth to mentioned that **I claimed the IPER demanding Report prepared in accordance with article 34 of PCT** without any pragmatic result. I have received the reply to my letter of complaint directed to the WIPO's Director Mr. Francis Gurry from Mrs. Maria Aguilar from Quality Management Department of Complaints Management of EPO Netherlands concerning not legally binding Report of the following content: "We regret that you remind unsatisfied with the IPER but there is at present no further possibility according to the PCT procedure for you to bring any further amendments. **After a careful review of the file, it appears that there has been no procedural flow requiring a corrected IPER.** A further exchange of arguments could only take place in the framework of regional procedures, e.g. possibly with the EPO. If you decided to follow this course of action, we draw your attention to the possibility of seeking the support of the a professional patent attorney to make sure that the cost associated with the processing of your application can bring the maximum benefits. You can find the list of qualified European Patent Attorney on the EPO website <http://www.epo.org/applying/online-service/representatives.html>." Taking advantage of the opportunity during the regional phase with EPO I would like to exchange arguments concerning sequence of events mentioned in the Letter from Mrs. Maria Aguilar being reviewed but there is in the letter **lack of the reference of the sequence events to the procedural flow requiring a corrected IPER:**

- a written opinion (1st 408") on the 31.08.2018
- another written opinion (2nd 408") on the 15.10.2019

- an IPER ("409") on the 03.02.2020
- a telephone consultation on the 07.02.2020 to inform you that your answer to the second 408 was too late (in which you informed us that you never received this second 408)
- a communication on the 03.03.2020 that the first IPER was cancelled
- a second IPER on the 13.03.2020
- a communication on the 23.03.2020 informing you that there was no possibility to submit amendments in response to the (last) IPER

I would like to exchange the argument that despite the fact that IPER was corrected the last version of the Report is still not legally binding. Furthermore there is an impossible event that took place 31.08.2018 concerning IPER as Demand was submitted September 13, 2018. I submitted amendments September 13, 2018 when the IPER had not even started and other amendments of my application were not requested by me. **Furthermore I would like to exchange my argument that my application could bring maximum profit only when I can retain the right to discount of the price for examination in the EPO region during regional phase, get back the price I paid for not legally binding IPER and avoid a possible impact of not legally binding IPER on the patentability of my invention during regional phase and costs related with it especially when the report contains false expertises.**

As it is mentioned in the 1200 form The International Preliminary Report on Patentability completed on March 13 2020 PCT/IPEA/409 concerning my application PCT/IB2017/057509 is not legally binding because I did not receive the Written Opinion issued October 15, 2020 therefore it does not meet the requirements of the article 34 (2)(c)PCT as the Application amended under article 34 PCT was not taken into account. Furthermore the Report based on the application as originally filed is not legally binding because it is based on the wrong documentation. The reason for this is that the amended application under article 34 of PCT was not taken into account and the Report was based on the application as originally filed. The fact that amendments under article 34 of PCT of Claims 1, 5, 6, 8, 9 were recognized by Authority as introducing subject matter which extends beyond the disclosure in the application originally filed and as it is written in the Re Item I section due to the high number of features concerned which are spread throughout the claims, **it appeared to the Authority impossible to take into consideration only those technical features which have a basis in the application originally filed disregarding the amendments which are considered as introducing added subject matter** and Authority established the IPER on the basis of the application as originally filed. The reason mentioned above is discredited by Authority's simultaneous recognition of Claims 1, 2, 3, 4, 7, 8, 9, 10, 11 in the section concerning Certain observations on the international application in the IPER **as containing no added technical features**. Below, in the present letter, there are my comments (including Claim 5 and 6) regarding Authority's concerns confirming that there is no legal background to base the IPER on the application as originally filed as amendments made under article 34 PCT do not go beyond the disclosure in the international application as filed and meet the requirement of the article 34 PCT.

In the section Re Item I Basis of the report there is the reminder of the wording of the article 34(2)(b) PCT. According to this article amendment shall not go beyond the disclosure in the international application as filed. In other words amendment shall not go beyond the disclosure in **the description, claims and drawings** originally filed. Additionally in connection with Article 6 of PCT **claims shall be fully supported by the description**. With reference to the Amended Claims under article 34 PCT there is mentioned in the IPER completed March 13 2020 that it introduces subject matter which extends beyond the content of the application as filed, contrary to the article 34(2)(b) PCT. Then

there are listed amendments concerned. Comments to the concerned amendments are listed below accordingly:

- The basis for the amendment can be found in originally filed claims 2 and 3. There is no disclosure for **both parts built into two elements** because of the same reason there is no disclosure for **both parts built into one element**. An amendment was added that Labyrinthine fixing system composed of **two** parts which can be permanently or temporarily built into two larger or smaller elements according to design of these elements and in a size suitable for parameters of these elements which demand fixing. Further description of the parts: "Labyrinth part (Figure I [1]) composed of [...]part that enables Labyrinth Part to be built into element being a substructure of Labyrinth Part" and "Erring Part (Figure I [2]) [...]that can be built into element that demands fixing" indicates that the claim 2 and 3 originally filed are the basis for the amendment therefore the amendment meets the requirement of article 34 PCT. The disclosure for the amendment can be also found in the Description document originally filed. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The scope of the claim 1 is the content of the claim number 1 not a sentence or other part of the claim. Claim 1 meets requirements of the Article 6 of PCT and there is no concerns about the scope of the claim therefore the amendment meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of the right-angled triangles with re-entrant hypotenuse can be found in the claim 9 depended on the claim 5 depended on the claim 4 depended on the claim 1 as it is the shape of the two identical parts of the Labyrinth Part with the opposite orientation specified as set squares in the originally filed application. There is no change in the invention and the subject is not new therefore the amendment meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure can be found in the Claim 10 depended on the Claim 4 depended on the claim 1 as the combination of channels in the given dimension and transverse space designed in the size not smaller than the width of side of the Erring Part are the solutions presented in the application originally filed concerning the structure of labyrinthine system of fixing formed the space inside the Labyrinth Part. The disclosure for combination of channels can be found in Claim 5 depended on the claim 4 depended on the claim 1, Claim 6 depended on the claim 5 depended on the claim 4 depended on the claim 1, Claim 7 depended on the claim 5 depended on the claim 4 depended on the claim 1 and Claim 10 depended on the Claim 4 depended on the Claim 1 therefore the amendment meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of part that enables Labyrinth Part to be built into element being a substructure of Labyrinth Part can be found in Claim 3 originally filed as it is the element mentioned in the claim. Element into which the Erring part can be built is not the subject of

the invention and usage of the element being a substructure of Labyrinth Part has not impact on the subject of the Claim 1 therefore the amendment meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.

- There is no disclosure of the Erring Part having a structure different from a rectangular frame because of the same reason there is no disclosure of the Erring Part which has to have the structure of the rectangular frame. The structure of Labyrinthine system of fixing executes the rectangular frame however it can have the different shape beyond the rectangular area executed by the labyrinthine system of fixing therefore mentioned amendment meets the requirement of article 34 PCT. The disclosure of the structure of the Erring Part can be found in the claim 11 depended on the claim 1 as the dimensions having its counterparts in Labyrinth Part does not concerns the total length of the Erring Part. The part of the Erring part that can have different shape has no impact on the labyrinthine system of fixing being the subject of the invention therefore the amendment concerning Claims 1,5,8,9 meet the requirement of article 34 PCT. Amended Claims 1, 8, 9 are recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of an open system (...) containing complicated route can be found in the Claim 1 originally filed as words complicated or difficult are synonyms of the word labyrinthine and Claim 14, 15, 16, 17 as the description of the complicated rout therefore the amendment concerning Claim 1 meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of a padlock or spring hook solution can be found in the Claim 4 as the padlock or spring hook are the examples of the process of connection of two elements with the locking solution and this amendment has no impact on the subject of the invention. Amendment was add for the better understanding of the application therefore Claim 1 meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of the concerning kind of final connection (connected elements of the same sides or of the contrary sides) and two indicators can be found in an application originally filed in all Claims and Description as the kind of final connection is an effect of the fixing of two parts/elements via Labyrinthine Fixing System being the subject of the invention. In the Claim 1 there are also mentioned two indicators predestinating the final result of connection/ disconnection of two parts being the subject of the invention. Amendment was made to characterize Labyrinthine Fixing System being the subject of the invention more precise therefore the Claim 1 meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.
- The disclosure of the part from There is only one way up to connected elements are both of the front side can be found in an application originally filed in all Claims and Description as the description of this how Labyrinthine Fixing System works and what kind of connection can be achieved what way of the connection is an effect of the fixing of two parts/elements

via Labyrinthine Fixing System being the subject of the invention. The amendment was made to characterize Labyrinthine Fixing System being the subject of the invention more precise therefore the Claim 1 meets the requirement of article 34 PCT. Amended Claim 1 is recognized by Authority in the section concerning Certain observation on the international application in the IPER as containing no added technical features.

- The disclosure of the position of rounding corners between catheties of the Labyrinth Part can be found in the Claim 9 as it was not clear according to the ISR where the rounding corners were placed in the same places of the Labyrinth Part specified as set squares. The amendment was made to characterize Labyrinthine Fixing System being the subject of the invention more precise therefore the Claim 1 meets the requirement of article 34 PCT.

Taking above into consideration in the Claims amended under article 34 PCT there are not amendments which can be considered as introducing added subject-matter and there are no **technical futures** which have no basis in the application as originally filed of such an importance or quantity to be recognized as go beyond the disclosure in the International Application as filed and the same concerns Claims amended under article 19 PCT. There is no legal background to form the report on the basis of the text of the Claims originally filed especially because concerns referring to the amendments under article 34 of PCT as amendments gone beyond the disclosure in the application originally filed arose from the amendments made on the basis of Authority's concerns from ISR as Claims originally filed were not clear to the Authority. Amendments form my explanation to the Authority's concerns and do not introduce new subject matter and what is the most important **the amendments do not reflects changes made in the invention** as any changes were not done.

Below, in the present letter, there are my comments regarding to Authority's concerns concerning lack of clearance of the claims as originally filed confirming that Claims meet the requirements of the article 6 of PCT especially in the amended form. Claims are fully supported by documents of Description and Drawings. I did not find Certain observation on the international application of the Authority concerning Claims amended under article 34 PCT as useful for me because **there is not written in the report and that is why it is not clear for me what Authority understand from my application or what is clear to the Authority** and this is why I have found the pointless and not useful character of the whole procedure and I do not intend to make more amendments to my application according to Authority's concerns as it was done. I would rather intend to defend my application against the destructive impact of the Reports' content on my Application during the procedures in national phase in its full range.

As it was not clear to the Authority the title of my application as: Labyrinthine System of Fixing does not predestinate that the structure of its parts is arranged in labyrinth what clearly arose from the Description of the Labyrinthine System of Fixing, Drawings and the content of the Claim 1. The fact that the structure of the part named Labyrinth Part is not the structure of labyrinth defined in Wikipedia is clear under article 6 of PCT for Authority executes the proper understanding of the word labyrinthine used in relation to the system being the subject of the invention. According to Wikipedia labyrinth is the construction not the system composed of its two parts. The word Labyrinthine was used for the purpose of emphasizing the fact that the System contained complicated/difficult route from the first step to the final step of four-steps fixing process of both parts/elements and back that prevents disconnection without intentional action (self- disconnection) of two parts/elements connected. In the written opinion of International Search Authority completed July 31 2018 and in

the IPER completed March 13 2020 in the Re Item VIII it is mentioned that the application does not meet the requirements of Article 6 PCT, because the following claims are not clear: Claim 1 the term Labyrinthine is not clear because according to Wikipedia a labyrinth has only a single path to the centre. A labyrinth in this sense has an unambiguous route to the center and back and presents no navigational challenge. Therefore, this written opinion has been established based on the understanding that the structure offering the single path to its interior is to be considered as a labyrinth." Content of the Claim 1 originally filed: „Labyrinthine system of fixing composed of its two parts: Labyrinth (Figure I [1]) and Erring Part (Figure I [2]) significant by this that the structure of its parts arranged in Labyrinthine system of fixing fulfills mounting function (Figure I [3]) of two elements." executes understanding of the usage of the labyrinthine word in the meaning of something what is difficult. In the case of my invention it is fixing process of two parts as it is presented on the drawings mentioned in the Claim 1 within its content fully supported by document of Description. Additionally the difficulties concerning the labyrinthine route from the first step to the final step of four-steps fixing process of both parts/elements and back are caused by dimensions and its counterparts of both parts and the space composing the route of fixing what has nothing to do with labyrinth defined in Wikipedia. This fact also executes the understanding of the labyrinthine word in the meaning of something what is difficult or complicated. Word difficult is listed through synonyms of labyrinth word and there are a lot of factors in the content of the claim 1 and next, Description and Drawings which indicate understanding of the usage of the word labyrinthine in the sense it was done.

In the claim 1 there is emphasized that Labyrinth System of Fixing is significant by this that the structure of its parts arranged in Labyrinthine system of fixing fulfills mounting function (Figure I [3]) of two elements. In other words the subject of the Claim 1 is the system of fixing fulfilling mounting function of its two elements with the given structure described in description and dependent Claims with cross-reference to the drawings not to the definition of labyrinth word in Wikipedia this is why the definition of the labyrinth from Wikipedia should have no impact on the subject of the invention especially labyrinth defined in Wikipedia is not the system of fixing therefore mentioned claim meets requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that it is not clear whether the system, the system of fixing, or the fixing is composed of its two parts. The content of the Claim 1 originally filed contains the clear information that labyrinthine system of fixing is composed of two parts, the separate structures of these two parts by their arrangement compose the structure of the labyrinthine system of fixing and enable labyrinthine system of fixing to fulfill mounting function therefore mentioned claim meets requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that as long as the two elements are not part of the claimed entity, the system can not be defined by its relationship to the two elements (fulfills mounting function...). In the Claim 1 it is mentioned that I claim Labyrinthine System of Fixing composed of its two parts with the given structure of the parts arranged in Labyrinthine System of Fixing being the parts that enable labyrinthine system of fixing to fulfill mounting function in other words I claim the process of connection or disconnection of two parts which is enabled by the structure of these two parts arranged in the structure of labyrinthine system of fixing. It is supported by description that the system of fixing is the connection or disconnection process. Therefore mentioned claim meets requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 2-17 there is no assembly mentioned in claim 1. A reference back to it is therefore unclear. In a Claim 1 there is no assembly word therefore mentioned claim meet requirement of Article 6 of PCT. Claim 1 is fully supported by document of Description and in the amended Claim 1 Labyrinthine system of fixing is presented with the full description (contained in document of Description) as I claim it.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 4 it is not clear what is comprised in without locking solution. According to Wikipedia: Lock is the “mechanical device used to secure items of importance” and it is easy to deduct that locking solution can be comprised for example of chain, padlock and key. The locking solution has no impact on the invention but it is clear what is comprise in without locking solution therefore mentioned claim meet requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 4, 6, 13 it is not clear what is comprised in intentional action. According to Wikipedia intention is the mental state that represents a commitment to carrying out an actions in the future. On the basis of the definition of the intention from Wikipedia it can be deducted that it is related to the user of the system of fixing and the user intentional action is needed during the connection or disconnection process and the system or the parts of the system are not able to connect or disconnect without his/her intentional action (itself) because of the structure of the system therefore mentioned claim meet requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 5 it is not clear what is meant with fulfilling requirements of the opposite action. The explanation is contained in the bracket as follow (the Erring Part have to be carried simultaneously through two channels placed on the opposite sides) therefore mentioned claim meet requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 5, 7-10, 13-14, 16 a full stop in a paragraph of a claim renders the scope of the claim unclear because it is not clear whether the portion after the full stop is still part of the claim or not and the same concerns Claims 5, 8 in the range of the usage of the brackets. All content of the numbered claim concerns the claim of the given number. There is no rule that the full stop separates claims in the unnumbered text therefore mentioned claims meet requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 9 it is not clear when the rounded corners are positioned. It is shown on the drawing mentioned in the Claim and described in the Claim that the rounded corners are positioned in two identical parts of the Labyrinth Part with the opposite orientation therefore mentioned claims meet requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 10 it is not clear what is comprised in formed by the implementation of other presented solutions. The space is formed by the solutions used to invent structure of Labyrinth and Erring Part arranged in the structure of Labyrinthine System of Fixing what is described in the document of Description. The claim is fully supported by the document of Description therefore meets requirement of Article 6 of PCT.

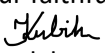
In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 10 it is not clear which part is intended to be moved (move the Part...). On the basis of the whole sentence and the description of invention it is easy to understand that the word Part concerns the Erring Part placed in the vertical orientation after **its** fixing that means the fixing of the Erring Part. In the part of the sentence after the word Part there is mentioned that the Erring part was placed in the Labyrinth Part. In the description there is mentioned that Labyrinthine System of Fixing is composed of two part so if it is not the Labyrinth Part it must be the Erring Part. It is omission but it not make the Claim unclear therefore the claim 10 meets requirement of Article 6 of PCT.

In the IPER completed March 13 2020 in the Re Item VIII it is also mentioned that in Claim 10 it is not clear which part is the beginning part. If it is not the end of the part because at the end of the part is built in element it must be beginning. It is right that it is not clearly described in the description and content of the Claim 10 but it is not critical information concerning the subject of the claim 10 especially the claim concerns the space in Labyrinth Part. Therefore the claim 10 meets requirement of Article 6 of PCT.

Taking above into consideration Claims originally filed meet requirements of the article 6 of PTC in most of the cases and same areas in which more precise explonation/descripton could make the understanding of invention easier, even it was not necessarily, was done under article 19 and 34 of PCT with the consideration of Certain Observation on the international application contained in the Report (Re Item VIII of the Report). Amendments do not introduce other subject matter which has no basis in the application as filed in the range of invention being the subject of the application originally filed. It contains in some cases additional information of the impact of the subject of the invention on the area beyond the subject of the invention contained in the amendments for the better explanation of the subject of the invention.

The IPER is unreliable because it contains false expertises, for example this, that during the examination it appeared to the Authority that the "dead end" of the channel that separates the Labyrinth Part crosswise has an effect durring the connection, but not during the disconnection and therefore it was assesed that no surprising effect is due to this feature and amended claim 1 is not inventive. It is not clear for me what the "dead end" means and what the effect of the part on the connection/disconnection process in the case it is dead end but on the basis of the created by Authority sentence I understand that "Dead end" concerns part of the extended channel separates crosswise Labyrinth Part which prevents the Erring part to move itself without intentional action one step back during the disconnection process. The second example of the fals expertises is this that none of the documents presented in Re Item V of the IPER relates to my invention, for example invention presented on D1 documentation is the example of the locking solution. The fact that some of Inventions presented in documents mentioned in the Re Item V can be similar to the labyrinth defined in Wikipedia has no surprising effect on my invention therefore there is no background to claim that the independent claim is not inventive.

Your faithfully,


Magdalena Kubik

(Applicant/Inventor)