

Håmsø Patentbyrå AS  
Postboks 171  
4301 SANDNES

Oslo, 2018.01.10

Your ref.: P27764NO00  
Application no.: 20161910 (please include in your reply)  
Applicant: HYDROPHILIC AS  
**Due date: 2018.04.10**

## **Office action in patent application no. 20161910**

### **Basis of the opinion**

Description: received 2017.08.22  
Claims: received 2017.08.22  
Drawings: received 2017.08.22  
Letter: received 2016.11.30

We have made a new assessment with regard to inventive step.

### **Summary of the assessment**

The subject matter of the independent claims of the present application is considered to meet the criterion for inventive step.

### **Results from the prior novelty search**

Reference is made to the following documents (D):

D1: WO 01/09483 A1

D2: US 6164126 A

D3: US 4438654 A

D4: US 2012199368 A1

### **Assessment of patentability**

The following is a reasoned statement with regard to novelty and inventive step, ref. Norwegian Patents Act, section 2, first paragraph.

#### *Novelty:*

The subject matter of the present invention according to the independent claims 1 and 12 is novel as concluded in the previous basis of opinion.

#### *Inventive step:*

In regards to inventive step, we agree with the objections carried forward by Håmsø. Neither of the documents D1-D4 indicates a solution where repositioning of the probe away from the borehole into the formation would be desirable. Thus, it would not be

obvious to a person skilled in the art to make a comprehensive modification neither to the solution of the closest prior art D1 nor to the solutions of D2-D4, thereby arriving at something falling within the terms of the independent claim 1, and thus achieving what the invention according to said claim achieves. Hence, the invention according to independent claim 1 is considered to involve an inventive step.

Since the subject matter of the independent method claim 12 corresponds to the subject matter of claim 1, the same aforementioned reasoning given for claim 1 will apply mutatis mutandis. Therefore, the invention according to independent claim 12 is considered to involve an inventive step.

Accordingly, the invention defined in the dependent claims 2-11 and 13 is considered to involve an inventive step.

### **Certain defects and observations**

On page 13, line 22 there is still mentioned figure 1c, although no figure 1c has been disclosed in the application.

### **Instructions**

The claims can be accepted, and the present application can be approved for grant of patent earlier than 18 months after the filing date. For the application to be approved for grant of patent, you are requested to file a new description where the formal requirements must be met. The applicant should also submit a translation of the approved claims into Norwegian.

In this concern, we refer to the followings:

### **Patent Regulations (pf.) § 33a. Translation of patent claims in an application submitted in English**

*Når søknaden er på engelsk, skal Patentstyret, før det sendes underretning etter patentloven § 19, opplyse søkeren om at det må sendes inn en oversettelse til norsk av patentkravene i søknaden før patent kan meddeles. Patentstyret fastsetter samtidig en frist for å sende inn oversettelse.*

### **Guidelines for examination (patentretningslinjene) Part D ch. 1 section 1.1 second paragraph**

*Dersom søknaden er på engelsk, skal patent meddeles på engelsk. Samtidig må det påses at det er levert en oversettelse av patentkravene til norsk. Dersom en slik oversettelse ikke er levert, gis det en frist på en (1) måned for innsendelse av denne, jf. pf. § 33 a.*

When a patent claim is amended, the applicant shall state where in the application as filed support for the amendment is found, ref. Patent Regulations, section 20. If an amended description is filed, the applicant shall specify which parts of the description are not in accordance with the previously filed description and specify in which way the amendments imply anything new in respect of the substantive content, ref. Patent Regulations, section 21.

### **Additional information to the applicant**

#### **Postponement of grant**

A prospective grant of a patent implies that all documents of the application becomes publicly available, even when this happens earlier than 18 months after the filing date.

However, you may request that the grant of the patent shall be postponed until the application becomes publicly available according to the Norwegian Patents Act, section 22, second paragraph, i.e. after 18 months, ref. Patent Regulations, section 33.

### **Time limit for response**

The applicant is invited to submit a written response within the due date above. If the applicant fails to submit observations or to take steps to correct a defect which has been pointed out, the application shall be shelved. However, the processing of the application may be resumed, ref. Norwegian Patents Act, section 15, third paragraph and Regulation Relating to Payments etc. to the Norwegian Industrial Property Office and the Board of Appeal for Industrial Property Rights, section 26 (Regulation on fees). The due date may be extended, ref. Regulation on fees, section 6, fourth paragraph, see also «patentretningslinjene del A, kap. I, punkt 5.1», (guidelines for examination). For submitting of documents see Regulation on fees, sections 1 and 2.

Norwegian Patents Act, Patent Regulations, Regulations on fees and «patentretningslinjene» are available on the Norwegian Industrial Property Office's webpage, [patentstyret.no](http://patentstyret.no).

Sincerely,

Olav Alfred Aasen  
Dir. telephone 22 38 74 00

Henrik Braune  
Dir. telephone 22 38 73 72