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Oslo, 2022.08.26

Your ref.: 138852/JH  
Application no.: 20220130 (please include in your reply)  
Applicant: NORDLANDSSYKEHUSET HF  
Due date: 2023.02.26

## Office action in patent application no. 20220130

### Basis of the opinion

Description received 2022.01.26  
Claims received 2022.01.26  
Drawings received 2022.01.26

### Conclusion

The invention according to the claims is patentable.

### Results of the novelty search

Reference is made to the following documents:

- D1: US 2016310707 A1
- D2: CN 112107346 A
- D3: GR 1010093 B
- D4: WO 2018093883 A1
- D5: CN 213589481 U

### 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*

D1 is regarded to represent the closest prior art, and discloses an apparatus for facilitating child birth. The apparatus comprises a balloon catheter and a fluid supply tube connected to a fluid supply element such as a syringe as disclosed in figure 2 and the corresponding parts of the description. A mandarin, or guide wire tube, running in parallel with the fluid supply tube is not disclosed. The invention according to claim1 is therefore novel.

The invention according to claims 2-13 is novel due to claim dependency.

#### *Inventive step*

Using D1 as the closest prior art, the objective technical problem to be solved may be stated as providing a balloon catheter for facilitating child birth, that is easier to use, and more comfortable for the patient.

D2 discloses a bronchoscope comprising a water filled balloon, a water injection tube and a guide wire tube as shown in figures 3, 4 and in the EPO translation of the description.

D3 discloses catheter provided with a surgical tool which may be a balloon as shown in figure 1 and in the EPO translation of the description.

D4 and D5 provide examples of balloon catheters for facilitating child birth. No mandarin tubes are disclosed in either document.

D2 and D3 discloses technical features similar to claim 1 in the current application. The intended area of utilization is different, and also the arrangements of the mandarin guide tube arrangement differ significantly. D1 would thus not lead a person skilled in the art towards D2 or D3. Said person would thus not arrive at the invention according to claim 1, and the claim does thus involve an inventive step.

The invention according to claims 2-13 involves an inventive step due to claim dependency.

#### Certain defects and observations

Prior art should be briefly mentioned by referencing D1- D5 in the general part of the description.

Regarding translation of patent claims into Norwegian, refer to the relevant paragraphs below.

#### Instructions

Amend the description as indicated above.

If you amend the patent claims, you must state where in the application as filed support for the amendment is found, ref. Regulations to the Norwegian Patents Act (Patent Regulations), Section 20.

If you file an amended description, you must 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 with respect to the substantive content, ref. Patent Regulations, Section 21.

#### Time limit for response

You are invited to submit a written response within the due date above. You may respond via [Altinn](#). If you fail to respond, the application will be shelved. However, the processing of the application may be resumed by paying a fee. 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 (Regulation on fees), Section 26. You may request an extension of the due date, see «patentretningslinjene del A, kap. I, punkt 5.1» Examination Guidelines, part A, Chapter I, 5.1 (in Norwegian only). This must be done within the due date.

For general provisions regarding submitting of documents and payments, see Regulation on fees, Sections 1-6 and 8.

#### Additional information to the applicant

##### Application documents in English - provisional protection

The patent application will be published 18 months after it was first submitted. In order to obtain provisional protection for the invention described in the application from the publishing date, you must submit a translation of the claims into Norwegian. The patent claims in Norwegian will form the basis for provisional protection during the application period. The provisional protection applies only insofar as the Norwegian and English texts correspond with each other. Provisional protection takes effect once you have supplied a translation of the claims and we have published a notice of this in the Norwegian Official Patent Gazette (Norsk patenttidende).

##### Postponement of grant

A prospective grant of a patent implies that all documents of the application become 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 Norwegian Patents Act, Section 22, second paragraph, i.e. after 18 months, see Regulations to the Norwegian Patents Act (Patent Regulations), Section 33. The request for postponement should be filed in a separate letter.

##### Supplementary search

A novelty search is not considered to be complete if it was carried out at a time when the newest relevant material was not yet included in the search material. You can request a supplementary search to disclose whether there exist older patent applications, not publicly available when the first novelty search was done. This may be national patent applications, EPO applications that may apply to Norway, see Norwegian Patents Act, Section 66f or international patent applications that have been continued in Norway according to Norwegian Patents Act, Section 31. Such applications may prevent novelty according to Norwegian Patents Act, Section 2, second paragraph, second sentence. A supplementary search can not be carried out until after approximately 22 months from the filing date of the application.

For the application to be approved for grant of patent you must submit a translation into Norwegian of the approved claims, see Norwegian Patents Act, Section 21, third paragraph and Patent Regulations, Section 33a.

##### For your information

Relevant laws and regulations, as well as Examination Guidelines are available on our webpage, [www.nipo.no](http://www.nipo.no).

Information to applicants using Altinn: You will find cited publications linked in the enclosed search report or as electronic attachments. They will be forwarded in paper format only if not available in electronic format or if protected by copyright.

Please contact us if you have any questions.

Sincerely,

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Enclosures: search report