

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BORCHIARDT, James D.

1000 North Water Street Suite 1700 Milwaukee, Wisconsin
53202 USA

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **07 December 2018 (07.12.2018)**

Applicant's or agent's file reference
066749-1483

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2018/047759

International filing date (day/month/year)
23 August 2018 (23.08.2018)

Priority date(day/month/year)
24 August 2017 (24.08.2017)

International Patent Classification (IPC) or both national classification and IPC
G01B 3/10(2006.01)i

Applicant
MILWAUKEE ELECTRIC TOOL CORPORATION

I. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/KR
International Application Division
Korean Intellectual Property Office
189 Cheongsa-ro, Seo-gu, Daejeon,
35208, Republic of Korea
Facsimile No. +82-42-481-8578



Date of completion of this opinion
07 December 2018 (07.12.2018)

Authorized officer
LEE, Chang Ho
Telephone No. +82-42-481-8288



Form PCT/ISA/237 (cover sheet) (January 2015)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2018/047759

Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established 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))
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13*ter*.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13*ter*.1(a)).
 - on paper or in the form of an image file (Rule 13*ter*.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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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)	Claims	<u>1-20,25,27-30,34,36-40</u>	YES
	Claims	<u>21-24,26,31-33,35,41</u>	NO
Inventive step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-41</u>	NO
Industrial applicability (IA)	Claims	<u>1-41</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2008-0010847 A1 (LIAO, HUEI-YEN) 17 January 2008

D2: US 2007-0079520 A1 (LEVINE et al.) 12 April 2007

1. Novelty and Inventive Step

1.1 Independent Claim 1

D1, which is considered to be the closest prior art to the subject matter of claim 1, discloses a tape measure (see figures 1, 2) comprising: a housing (a shell 10) (see figures 1, 2); a reel (a reel 21) rotatably mounted within the housing (10) (see figures 1, 2); an elongate blade (a tape 30) wound around the reel (21), the elongate blade (30) (see figures 1, 2) comprising: an elongate metal core (the tape 30 made of metal) having an upper surface, a lower surface and a first thickness, T1 (a thickness T), measured between the upper surface and the lower surface (see paragraphs [0026], [0039] and figure 4), and a curved profile (a concave-convex shape 33) such that the uppermost surface of the elongate blade (30) defines a concave surface, the lowermost surface defines a convex surface, a curved width (a width W) and a curved height (a height H) (see paragraph [0029] and figure 4); wherein a flat width (a flattened width L) of the elongate metal core (the tape 30 made of metal) is less than 32 mm (L= 1.250 inches in test No.6) (see table 2); wherein a ratio of the curved width (W= 0.8228 inches) to a flat width (L= 1.250 inches) of the elongate metal core (30) is less than 0.74 (W/L= 0.658) (see table 2); wherein a ratio of the curved height (H= 0.4016 inches) to the flat width (L= 1.250 inches) of the elongate metal core (30) is greater than 0.29 (H/L= 0.32) (see table 2); wherein a standout distance (a standout length Smax) of the elongate blade (30) from the housing is greater than 150 inches (Smax= 195 inches) (see table 2); and a retraction

Continued on Supplemental Box

Form PCT/ISA/237 (Box No. V) (January 2015)

**WRITTEN OPINION OF THE
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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The unit of measure (inch) employed in claims 1, 5, 9, 14, 15, 17, 21, 26, 28, 32 and 38 is not additionally expressed in terms of the units stipulated by PCT Rule 10.1(a).

**WRITTEN OPINION OF THE
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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The term "the first 132 inches" in claims 17, 28 and 38 has not been previously defined (PCT Article 6).

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