

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: BELIČKA, Ivan Švermova 21 974 04 Banská Bystrica SLOVAKIA		Date of mailing (day/month/year) 09 October 2024 (09.10.2024)	
Applicant's or agent's file reference Zamecnik		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/SK2024/050003	International filing date (day/month/year) 29 March 2024 (29.03.2024)	Priority date (day/month/year) 08 March 2024 (08.03.2024)	
International Patent Classification (IPC) or both national classification and IPC A47B 21/04, A47B 21/03, A47B 17/03, A47B 13/08			
Applicant JIŘÍ ZÁMEČNÍK - ATELIER ZÁMEČNÍKK			

1. 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/ Visegrad Patent Institute / Branch Office SK Švermova 43, 974 04 Banská Bystrica, Slovak Republic Facsimile No. (421-48) 484 300 131	Date of completion of this opinion 08 October 2024 (08.10.2024)	Authorized officer GALÁTOVÁ Eva Telephone No. +421 48 4300233
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SK2024/050003

Box No. I 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(b)).
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.
 - b. ☐ furnished subsequent to the international filing date for the purposes of international search (Rule 13*ter*.1(a)),
☐ accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.
4. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established to the extent that a meaningful opinion could be formed without a WIPO Standard ST.26 compliant sequence listing.
5. Additional comments:

Pending processing

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SK2024/050003

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**

1. Statement

Novelty (N)	Claims	1 - 9	YES
	Claims	---	NO
Inventive step (IS)	Claims	1 - 9	YES
	Claims	---	NO
Industrial applicability (IA)	Claims	1 - 9	YES
	Claims	---	NO

2. Citations and explanations:

2.1. The following documents are for the purpose of this opinion:

D1: WO2018207161 A1 (LASHLEY GENE) 2018-11-15

D2: WO2016054161 A1 (ERGONOMIC INGENUITY LLC) 2016-04-07

D3: WO2022167854 A1 (LASHLEY GENE) 2022-08-11

2.2. Novelty:

Present application claims an ergonomic desktop, that is formed by a base fitted at the bottom with sidewalls with at least two bends of the bottom edge, wherein a spacer plate comprising a locking tab is placed between the sidewalls in the cut-out of the sidewalls, wherein the base comprises a cut-out on the bottom side and a cut-out on the top side, the top surface of the base being fitted with holes and recessed magnets having positive polarisation. The ergonomic desktop may comprise a removable sliding pad with at least one curved edge and a folding triangular stand. The application further claims the method of using the ergonomic desktop.

Document D1 is considered to be the closest prior art and discloses a multi-purpose desktop accessory for facilitating reading, writing and computer usage, with emphasis on the space-efficient use of incline space between a computer user and a computer monitor. The desktop accessory has a first panel that includes a back end, a front end and a stay unit on the front end. A base elevates the back end so that the first panel is attached to the base and inclined towards the user. The base comprises a back portion behind the first panel that is close to and lower than the back end of the first panel. The front end of the first panel extends beyond the front portion of base. The base comprises left and right side members (see figures 1A-1C; claims 2, 8, 9, 10, 12), and a cross-bar connecting and bracing the left and right side members. The first panel includes an angled projection (figures 1E, 1F) fixedly attached at or near the back end.

Continued in Supplemental Box

Box No. VII Certain defects in the international application

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

According to the requirement of PCT Rule 10.2, the terminology and the signs shall be consistent throughout the application. The requirement is not met in view of use of the terms “graduated cut-outs (22)”, “anti-slip tape (23)” and “anti-slip material (28)” (see claims 5 and 6; figure 11; description pages 4, 5) for the same features.

Pending processing

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:

Clarity:

The application does not meet the requirements of PCT Article 6, because claims 3-9 are not clear.

The feature “removable sliding pad (15)” is only defined in claim 2. Claim 3, defining further features of the “removable sliding pad (15)”, should therefore be dependent only on claim 2.

Also the feature “folding triangular stand (17)” is only defined in claim 2. Claim 4 defining further features of the “folding triangular stand (17)”, should therefore be dependent only on claim 2.

In claims 5 and 6 the terminology and the signs are not consistent with respect to the description and the drawings (“graduated cut-outs (22)”, “anti-slip tape (23)” and “anti-slip material (28)”).

Claims 7, 8 and 9 only attempt to define the subject-matter in terms of method of using the ergonomic desktop. The "method of use" directly results from the construction of the technical solution – the ergonomic desktop. Technical features from claims 7-9 could be replaced by their functional purpose in the claims 1-6.

It is recommended to consider using the reference signs 25, 26, 27 and 29 as the technical features which they mark are not part of the technical solution. Marking these technical features could lead to unclarity.

Pending processing

Supplemental Box 1

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box No. V

Document D2 describes a cushioned forearm support arrangement for a work area that includes a work component that is manually manipulated by a user, e. g. a keyboard, and a cushioned support arrangement located between the work component and the user. The cushioned support arrangement includes a cushion member having a device support area. The cushioned support area is located rearwardly of the device support area. A front portion of the cushioned support arrangement may overlie the front edge of the work surface. The device support area may include a recess within which the device is received. A releasable engagement arrangement may be interposed between the device and the device support area. The support arrangement includes support members having a rearward area that is adapted to support an interface or input device such as a keyboard. In one embodiment (see figures 22-25; paragraphs 83, 84), the support member includes an array of spaced-apart retainers, which may be in the form of magnetically attractive members, such as magnets or members that are formed of a material that is magnetically attractive. The magnetic retainers may be mounted to the upper surface of support member, may be embedded or positioned within recesses formed in the surface, or may be contained within the interior of the support member.

Document D3 discloses a multipurpose desktop accessory that comprises a panel worktop that can be stabilized with a fastening unit on a desktop in a sloping position extended beyond an edge of a desk or table top. The worktop is stabilized by a bracket that is fastened to the desktop with a biomimetic dry adhesive that enables the worktop to be easily and repeatedly attached to and removed from a desktop, and be portable for use in different locations. A second, sloping worktop with the same functions can be positioned for use behind the first. The accessory facilitates versatility, multi-tasking capability, and a more comfortable, slightly laid-back sitting posture for reading, writing and computer usage.

None of the above cited documents D1 to D3 discloses all features of the ergonomic desktop according to claim 1 of the present application. Consequently, the features of dependent claims 2-9 are also not disclosed. Therefore claims 1-9 are regarded to be novel and comply with PCT Article 33 (2).

2.3. Inventive step:

D1, which is considered to be the closest prior art, discloses a multi-purpose desktop accessory for facilitating reading, writing and computer usage. The desktop accessory has a first panel that includes a back end, a front end and a stay unit on the front end. A base elevates the back end so that the first panel is attached to the base and inclined towards a user. The front end of the first panel extends beyond the front portion of the base. The base comprises left and right side members and a cross-bar connecting and bracing the left and right side members.

Supplemental Box 2

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box No. V

The multi-purpose desktop accessory known from document D1 differs from the ergonomic desktop according to the application in that there are no bends of the bottom edge of the side members (sidewalls), in that the cross-bar (spacer plate) does not comprise a locking tab, in that there are no cut-outs on the bottom side and on the top side and also the top surface is not fitted with holes and recessed magnets having positive polarisation.

The technical problem solved by the present application is enabling the widest possible range of ergonomic sitting positions at the computer, from the classical upright sitting position to the lying position, with the least possible interference with the usual working space of a computer station. The person skilled in the art, when trying to solve the problem, would have not arrived in an obvious manner at the subject-matter of claims 1-9. The combination of the features of the ergonomic desktop in claims 1-9 is not obvious to the person skilled in the art from document D1, when taken individually or in any combination with documents D2 or D3. Claims 1-9 therefore involve an inventive step and comply with PCT Article 33(3).

2.4. Industrial applicability:

The subject matter of claims 1-9 is considered to meet the requirements of industrial applicability under PCT Article 33(4), because it can be made by, or used, in industry.

Pending processing