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Patents Directorate

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Your Reference: -
Application No: GB0318315.9

3 July 2007

Dear Sirs

Patents Act 1977: Examination Report under Section 18(3)

Title: Surface Treatment of SARS-Infected Lungs

Latest date for reply:

3 September 2007

I have re-examined your application in response to your letter of 8 May 2007 and I am of the opinion that it still does not comply with the requirements of the Patents Act. My enclosed report explains why.

Further opportunity to file amendments

By the above date you should deal with the points raised in the report by filing amendments. These should be in the form of retyped pages. However if you do not agree with the report, then you should explain your reasons in a letter.

No additional technical information allowed

You are reminded that when you reply you should avoid giving any additional technical information about the invention (such as a modification) either by way of amendment or in an accompanying letter, as this would prevent you from subsequently obtaining a patent based on this information.

Further action

If after receiving your reply there are still points which need attention, I will contact you again. Should we still disagree, then the matter can be referred to a senior officer who will

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consider the issues afresh. You would have the opportunity, in this event, to come to the Office and present your opinion personally.

Further information

The Office has produced two explanatory booklets (**patents: essential reading and patents: application guide**) which provide important information about the patent system. If you do not have these booklets already, please contact our Central Enquiry Unit on 08459 500505 to request copies.

Addressing correspondence

All correspondence should be addressed to the Comptroller.

While my e-mail address is provided above, you should note that the Office is unable to accept documents, such as amendments to the specification, transmitted by e-mail. Your official response to my report must therefore be delivered by post, fax or hand. However, you may use e-mail if you have any questions about the report or the processing of the application.

Consequence of failing to reply

The application may be refused unless you reply to this report by the date set.

Use of a patent agent

Your interests may be best served by employing a patent agent to act for you in pursuing your application

Yours faithfully



Dr Bill Thomson
Examiner

Your ref :	-	Examiner :	Dr Bill Thomson	
Application No:	GB0318315.9	Tel :	01633 814531	
Applicant :	Zhen-Man Lin	Date of report :	3 July 2007	
Latest date for reply:	<table border="1"><tr><td>3 September 2007</td></tr></table>	3 September 2007	Page 1/1	
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Patents Act 1977 Examination Report under Section 18(3)

Basis of the examination

1. My examination has taken account of your response filed with your letter of 8 May 2007.

Novelty – Section 2(1)/2(2)

2. The novelty objection made in my Examination Report of 7 February 2007 still stands because of your disclosure to the WHO on the 20 May 2003 and placement of that disclosure on the internet before the priority date of 12 June 2003. Thus, the subject matter of your current patent application was made available to the public before the priority date. I have also brought to your attention a discussion paper ;

www.nearlyemptyrooms.com/2003_02_01_archive.shtml

found on the internet that mentions your www.ycec.com/SARS-to-die-e.htm paper **before** the priority date of the current application.

This discussion was first placed on the internet on 24th May 2003. The date can be traced by placing the aforementioned URL into www.archive.org – a website used to find when website addresses are first made available to the public.

You ask in your letter of 8th May 2007 on page 2, line 13 – “do you therefore still think I was wrong to reveal them” – with regard to your disclosure to the WHO. Ideally, your disclosure to the WHO should have been sent **after** you had made an application for a patent **and received a definitive priority date** from the Patent Office in question – be it China, Hong Kong, Europe or the United Kingdom. You should have at least made it clear to the WHO that you were disclosing your invention in confidence and that they should not make the details of your invention freely available. The prior disclosure described above has therefore rendered your present application as lacking novelty.

I appreciate that this will not be the result that you are looking for but disclosure of your invention before the priority date has denied you the right to a patent .