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(54) Title: SYSTEM AND METHOD FOR ATLAS REGISTRATION

(57) Abstract:

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PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 15192-22776	IMPORTANT DECLARATION	Date of mailing(<i>day/month/year</i>) 27 February 2013 (27-02-2013)
International application No. PCT/US2012/030700	International filing date(<i>day/month/year</i>) 27 March 2012 (27-03-2012)	(Earliest) Priority date(<i>day/month/year</i>) 29 March 2011 (29-03-2011)
International Patent Classification (IPC) or both national classification and IPC G06F19/00		
Applicant BOSTON SCIENTIFIC NEUROMODULATION CORPORATION		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories
 - b. ☐ mathematical theories
 - c. ☐ plant varieties
 - d. ☐ animal varieties
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes
 - f. ☐ schemes, rules or methods of doing business
 - g. ☐ schemes, rules or methods of performing purely mental acts
 - h. ☐ schemes, rules or methods of playing games
 - i. ☐ methods for treatment of the human body by surgery or therapy
 - j. ☐ methods for treatment of the animal body by surgery or therapy
 - k. ☐ diagnostic methods practised on the human or animal body
 - l. ☐ mere presentations of information
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☒ the claims
☐ the drawings
3. ☐ A meaningful search could not be carried out without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).
4. Further comments:

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer VIVIEN, Angélique Tel: +49 (0)89 2399-8764
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The present Application contains 104 claims, of which 19 are independent.

There is no clear distinction between the independent claims because of overlapping scope. There are so many claims, and they are drafted in such a way that the claims as a whole are not in compliance with the provisions of clarity and conciseness (Article 6 PCT in combination with Rule 6.1(a) PCT), as it is not feasible for a skilled person to establish the subject-matter for which protection is sought.

Independent claims 1,9,17,18,19,34,50,62,73,74,77,86,95,96,99,101,103 and 104 seem to search protection for a multiplicity of analogous inventions, having each one slight differences from each other.

Therefore, it is impossible for the skilled person to understand which "shape" will acquire the sought protection in the future steps of the examination.

The non-compliance with the substantive provisions is to such extent that a meaningful search of the whole claimed subject-matter could not be carried out (Article 17(2)(a)(ii) PCT; see also the Guidelines, 9.25).

There being no reasonable basis in the Application either that clearly indicates the subject-matter which might be expected to form the subject of the claims later in the procedure - the description does not contain a single embodiment, but so many embodiments that in view of the drafting of the claims an expected fall back position could not be determined, no search at all was deemed impossible.

Furthermore, the description does not fulfill the requirements of Article 5 PCT as it does not disclose the invention in a clear manner. The description is comprised substantially of statements which disclose "another embodiment", "preferred embodiment", "yet another alternative embodiment", "another aspect", "may comprise", "may embody", "and/or" etc. to such an extent that the reader cannot determine the features that are essential to the invention. The excessive amount of separate alternatives renders impossible to find indication of the description concerning the subject-matter which might be expected to form the subject of the claims later in the procedure.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.2), should the problems which led to the Article 17(2) declaration be

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

overcome.