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SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

under Rule 62a and/or 63 of the European Patent Convention. This report shall be considered, for the purposes of subsequent proceedings, as the European search report

Application number:
EP 19 77 16 15

Classification of the application (IPC):
A47C 21/04*, *A47G 9/02*, *A61G 7/05*, *A47C 27/00*, *A47C 27/12*, *A47C 31/10

Technical fields searched (IPC):
A47G, A47C

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim
Y	US 2014259275 A1 (WALVIUS SUSAN [US] ET AL) 18 September 2014 (2014-09-18) * paragraphs [0034], [0038]; figure 1 *	4-6, 8
Y	US 2007067916 A1 (POSTON LINDA H [US]) 29 March 2007 (2007-03-29) * paragraph [0025]; claims 16,23; figures 1-4 *	4-6, 8
Y	US 2014068868 A1 (MORZANO JENNIFER M [US] ET AL) 13 March 2014 (2014-03-13) * paragraph [0046]; figures 1-3 *	4-6, 8

INCOMPLETE SEARCH

The Search Division considers that the present application, or one or more of its claims, does/do not comply with the EPC so that only a partial search (R. 62a, 63) has been carried out.

Claim(s) completely searchable:4-6, 8

Claim(s) not searched:1-3, 7, 9-11

Reason for the limitation of the search:

[0001] 1.0. Incomplete Search under Rule 62a(1) and 63(1) EPC. 1.1. The present set of claims 1-11 contain two independent claims 1,4 in the same apparatus category and three independent claims 7,8,9 in the same method category. Under Article 84 in combination with Rule 43(2) EPC, an application may contain more than one independent claim in a particular category only if the subject-matter claimed falls within one or more of the exceptional situations set out in paragraph (a), (b) or (c) of Rule 43(2) EPC. This is not the case in the present application.

[0002] Independent claims 1,4 and 7,8,9 relate neither to inter-related products - exception (a) (in the sense of plug-and-socket), nor to different uses of a product or apparatus - exception (b) (no use is claimed) (see Guidelines F-IV 3.2 and 3.3).

[0003] Regarding exception (c) it is noted that claims 1,4 and 7,8,9 do not relate to an exceptional case of "alternative" solutions in the sense of mutually exclusive possibilities, since it would have always been possible to recast these independent claims into a single independent of the same

The supplementary search report has been based on the last set of claims valid and available at the start of the search.

Place of search	Date of completion of the search	Examiner
The Hague	22 February 2022	Kus, Slawomir

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X: particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A: technological background
O: non-written disclosure
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T: theory or principle underlying the invention
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category followed by a set of dependent claims. Therefore, claims 1,4 and 7,8,9 can not be considered as alternative solutions.

[0004] Furthermore overlaps and similarities in the features of the independent claims 1,4 and 7,8,9 of the same category are an indication that it would be appropriate to replace such claims with a single independent claim, e.g. by selecting a common wording for the essential features (see F-IV, 4.5).

[0005] The subject-matter to be excised may be made the subject of one or more divisional applications. The divisional applications must be filed with the European Patent Office in Munich, The Hague or Berlin and shall be in the language of the proceedings relating to the present application (cf. Article 76(1) and Rule 36(2) EPC). The time limit for filing divisional applications (Rule 36(1) EPC) must be observed. 1.2. Unallowable amendments in claims 1,3,4,6,7,8,9,11 filed on 13.07.2020 (Article 123(2) EPC)The amendments introduce the subject-matter which extend beyond the content of the application as filed, contrary to Article 123(2) EPC. The amendments concerned are the following:1.2.1. The amendment filed introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC. The amendment concerned is the following (see underlined features):- "mattress toper component" (see claims 1,9), the features of "mattress toper component" is not present in the original source claim 19- "recycled cotton linter" (see claims 3,6,11);- "wherein a sleep chamber is formed between the fitted sheet component and the warmth/ insulating layer component" (see claim 4),the feature of "the warmth/insulating layer component" is not present in the original source claim 13;- "fibers of synthetics that perform substantially similar to cellulosic fibers" (see claim 4),the feature of "fibers of synthetics that perform substantially similar to cellulosic fibers" is not present i the original source paragraph 22;- "a method of improving a sleep environment comprising adding the sleep system of any one of claim 1 to 3 to an existing mattress" (see claim 7);- "a method of improving a sleep environment comprising adding the sleep system of any one of claims 4 to 6 to an existing mattress" (see claim 8);- "the mattress topper component and the fitted sheet component comprise a blend of one or more of cotton fibers, fibers of regenerated cellulosic origin, and fibers of synthetics that perform substantially similar to cellulosic fibers" (see claim 9), the feature of orignal claim 18 was omitted when the original claim 19 was introduced into present claim 9 Furthermore there is no expresses verbis base for the above underlined features. 1.2.2. The applicant has also deleted (Article 123(2) EPC) features of "all components of said sleep system promote water vapor absorption, heat dissipation, and/or air circulation" in claims 7,8,9. The deletion of such of above features produces in present claims 7,8,9 an undisclosed combination of features lying between an original broad disclosure of claims 23,24,25,26 and more generalised disclosure of present claims 7,8,9.

[0006] Such introduction is considered as an intermediate generalisation and therefore introduces changes in the content of the application as originally filled, contrary to Article 123(2) EPC (see e.g. T311/04; T1408/04) (see Guidelines H-V, 3.2.1). 1.3. The search has been restricted to independent apparatus claim 4 and independent method claim 8 indicated by the applicant in his letter of 14.01.2022 filed in reply to the invitation pursuant to Rule 62a(1) EPC and 63(1) EPC. Therefore, in accordance with Rule 62a(1) and 63(1) EPC, the search has been carried out on the basis of claims 4-6,8 (corrected in view of Article 123(2), see points 1.2.1; 1.2.2). 1.4. The claims must be amended

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in such way as to remove the unsearched subject-matter and the description must be adopted accordingly. In addition, the amendments may not relate to subject-matter that was excluded from the search following an invitation under Rule Rule 62a(1) and 63(1) EPC

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2014259275 A1	18-09-2014	US 2014259275 A1 WO 2014150901 A1	18-09-2014 25-09-2014
US 2007067916 A1	29-03-2007	*NONE*	
US 2014068868 A1	13-03-2014	*NONE*	

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