

REVISED VERSION

(19) World Intellectual Property
Organization
International Bureau



(10) International Publication Number
WO 2012/160374 A9

(43) International Publication Date
29 November 2012 (29.11.2012)

- (51) International Patent Classification:
G06F 19/00 (2011.01)
- (21) International Application Number:
PCT/GB2012/051159
- (22) International Filing Date:
22 May 2012 (22.05.2012)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
1108587.5 23 May 2011 (23.05.2011) GB
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- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM,

AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— with declaration under Article 17(2)(a); without abstract; title not checked by the International Searching Authority

(48) Date of publication of this revised version:

28 February 2013

(15) Information about Correction:

see Notice of 28 February 2013



WO 2012/160374 A9

(54) Title: IMPROVEMENTS IN AND RELATING TO THE MATCHING OF FORENSIC RESULTS

(57) Abstract:

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 P231082WO/AN	IMPORTANT DECLARATION	Date of mailing(<i>day/month/year</i>) 12 December 2012 (12-12-2012)
International application No. PCT/GB2012/051159	International filing date(<i>day/month/year</i>) 22 May 2012 (22-05-2012)	(Earliest) Priority date(<i>day/month/year</i>) 23 May 2011 (23-05-2011)
International Patent Classification (IPC) or both national classification and IPC G06F19/28		
Applicant LGC LIMITED		

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 set of 24 claims does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined for the following reasons:

The present invention is concerned with improving the interpretation of results from DNA analysis. In particular, the invention improves the manner in which a test result from a test sample is considered against a plurality of stored test results by providing improved matching of results and aims at reducing the computational problems with applying matching logic to larger data sets (see the description on page 1, lines 24 to 26 and on page 22, lines 7 to 9).

However, the features of independent method claim 1 are defined in such broad functional steps which do not enable the skilled person to determine which technical features are necessary to provide the technical advantages cited above. Said broad steps are the following:

the test sample is analysed, the analysis producing a test result, the test result including a test result data set ;

- the test result data set is processed to give one or more test result databases ;
- a plurality of stored results are obtained, the stored results each including a stored result data set;
- the stored result data sets being processed to give one or more stored result databases;
- comparing one or more entries in one or more of the test result databases with one or more entries in one or more of the stored result databases to inform on one or more of the stored results being a potential match with the test result.

No technical means and no technical implementation details are recited in claim 1 as to how the above-mentioned functional steps are to be carried out in practice. Therefore, the technical limitation implied by these steps is unclear and cannot be determined in a reliable manner from the claim wording (Article 6 PCT).

Moreover, it is not clear who performs the broad and vague analysis, processing and comparing steps (a person, an automatic respectively interactive process). Nor is it clear how and according to which technical criteria said analysis, processing and comparing steps are carried out. It is further completely unclear how information about a potential match can be derived from the wording of claim 1.

Also the type and structure of the data to be analysed, processed, compared and matched is completely unspecified.

As a conclusion, the functional definitions of the steps of independent method claim 1 referred to above represent an attempt to claim not only the technical contribution to the art actually described, but also to monopolise a technical area extending well beyond it. This would, however, be contrary to the requirement of "support" set out in Article 6 PCT, which is intended to prevent such overtly "covetous" claiming.

The dependent claims 2 to 24 also define predominantly broad functional steps without specifying the technical features necessary to achieve the functional goals (Article 6 PCT). Optional terms such as "preferably" and "and/or" even further obscure the features essential for the present

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

invention.

Furthermore, the description is comprised substantially of the disclosure of optional features ("may provide", "preferably", "may be obtained", "may be contributed", "may include", "may seek", "may establish", "may be the output", "may be performed", "may be expressed", "and/or") to such an extent that the reader cannot determine the features that are essential to the invention.

This lack of clarity of the claims and the description makes it impossible for the skilled person to determine the functional or technical interrelationship between the features of independent claim 1 and therefore to determine how the alleged problem of providing improved matching of DNA results and of reducing the computational problems with applying matching logic to larger data sets.

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

There being no reasonable basis in the application that clearly indicates the subject-matter which might be expected to form the subject of the claims later in the procedure, no search at all was deemed possible.

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 overcome.