Unity of invention – proposal for a non-unity minimum reasoning

IP5 PHEP
Unity in the PCT

Rule 13.1 A Single General Inventive Concept

Rule 13.2 A technical relationship...
...involving same or corresponding Special Technical Features
10.63 In the invitation to pay additional fees, the International Searching Authority sets out a logically presented, technical reasoning containing the basic considerations behind the finding of lack of unity.
Minimum reasoning

The **common matter**, if any, between the (groups of) inventions.

The reasons why this matter cannot provide a **single general inventive concept** based on same or corresponding **special technical features**.

The reasons why there is no **technical relationship** among the (groups of) inventions, if not apparent.

A **concluding statement** that, because neither the same nor corresponding special technical features are present in the claims, there is no single general inventive concept and the requirements for unity of invention are not met.
Common matter

Is there **common subject-matter** between the (groups of) inventions?

- The **common matter** must be identified in the reasoning.
- The **absence** of common matter must be explicitly indicated.
No Single general inventive concept in the common matter

Why are none of the common technical features special?

- Prior art document.
- General knowledge.
- The teaching of the application itself.
Technical relationship

Why is there no technical relationship among the (groups of) inventions?

- Indicate non common technical features & why claims may be grouped together.
- Explicitly state that these features are different.
- For each group, identify the technical properties demonstrated through their features.
- For each group, explain why their technical properties are different.
Technical relationship (special cases)

Where appropriate (e.g. chemistry), the reasoning can instead explain why:

- A grouping of alternatives of compounds are not of a **similar nature**.
- The **intermediate** and **final** products do not have the same essential structural element and are not **technically closely interrelated**.
- A process is not **specially adapted** to the production of a product.
- A product itself does not provide a **SGIC linking different uses**.
- A use in itself does not provide a **SGIC linking the claims**.
Concluding statement

The reasoning must conclude that:

Since neither the same nor corresponding special technical features are present in the claims, the inventions are not linked by a single general inventive concept and the requirements for unity of invention are not met.
Example - lack of unity in practice

Claim 1: A multi-function pocket knife (A) with a ball-point pen (B) + a USB Stick (D)

Claim 2: A multi-function pocket knife (A) with a pencil (C) + a laser pointer (E)
What is the same and what is corresponding?

<table>
<thead>
<tr>
<th>Multi-function pocket knife (A)</th>
<th>Ball-point pen (B)</th>
<th>Pencil (C)</th>
<th>USB Stick (D)</th>
<th>Laser pointer (E)</th>
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Ball-point pen (B) : writing means  
Pencil (C) : writing means  
USB stick (D) : means adapted to save data electronically  
Laser pointer (E) : means adapted to point at an object
Reasoning : Common matter

The common matter, if any, between the different (groups of) inventions

- Multi-function pocket knife (A)
  - Ball-point pen (B)
  - Pencil (C)
- USB Stick (D)
- Laser pointer (E)

- SAME
- CORRESPONDING
- Not corresponding
- Not corresponding
Special technical features?

<table>
<thead>
<tr>
<th>Application</th>
<th>Prior Art 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-function pocket knife (A)</td>
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</tr>
<tr>
<td>Ball-point pen (B)</td>
<td>with Fountain pen (F)</td>
</tr>
<tr>
<td>Pencil (C)</td>
<td></td>
</tr>
<tr>
<td>USB Stick (D)</td>
<td></td>
</tr>
<tr>
<td>Laser pointer (E)</td>
<td></td>
</tr>
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</table>

- The same features (A) are known from Prior Art 1 so are not special
- The fountain pen (F) of Prior Art 1 is a writing means. The corresponding technical feature is not special
- The common matter has neither same, nor corresponding special technical features
### Technical relationship

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- Assume that (B) and (C) are obvious alternatives to (F) and so are not special
- (D) and (E) do make a technical contribution over Prior Art (1). However, they have different technical properties.
- **There are two separate and unrelated inventions**
Conclusion

Since neither the same nor corresponding special technical features are present in claims 1 and 2, the inventions are not linked by a single general inventive concept and the requirements for unity of invention are not met.