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Trámite 011
Evento 379
Actuación 329

Referencia Expediente No 02 090 223

Solicitante BOEHRINGER INGELHEIM PHARMA KG

Asunto Solicitud de patente para PROCEDIMIENTO PARA
FABRICAR UN RECIPIENTER PROVISTO DE UNA
ABERTURA DE COMPENSACIÓN DE PRESIÓN Y
RECIPIENTE FABRICADO SEGÚN ESTE
PROCEDIMIENTO

Fecha de solicitud 07 de octubre de 2002

Yo, Emilio FERRERO, obrando como apoderado de la solicitante en el asunto antes identificado, atentamente presento la traducción al inglés del examen preliminar de la solicitud de patente internacional No PCT/EP01/02849, correspondiente a la solicitud de Fase Nacional de la referencia

Bogotá, 14 MAY 2003
Señora Jefe,


EMILIO FERRERO
T P A No 31 929

COLO 10903 841 002 2
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ID 000476/WPC10903

NIT 860 041 367 3

PATENT COOPERATION TREATY

45 63

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To

PATENTANWÄLTE
FUCHS, Jürgen FUCHS MEHLER
Abraham Lincoln Straße 65 65189 Wiesbaden
Germany

Eing 03. FEB 2003
Frist

Date of mailing (day/month/year)

14 January 2003 (14.01 03)

Applicant's or agent's file reference

B 1813

IMPORTANT NOTIFICATION

International application No.

PCT/EP01/02849

International filing date (day/month/year)

14 March 2001 (14 03 01)

Applicant

BOEHRINGER INGELHEIM PHARMA KG et al

1 Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation

CA,CN,JP,KP,KR,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request

AP,EA,EP,AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CH,CO,CR,CU,CZ,DK,DM,DZ,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW,OA

3 Reminder regarding translation into (one of) the official language(s) of the elected Office(s)

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1) See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Authorized officer

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Translation

PATENT COOPERATION TREATY

69

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B 1813	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP01/02849	International filing date (day/month/year) 14 March 2001 (14 03 01)	Priority date (day/month/year) 07 April 2000 (07 04 00)
International Patent Classification (IPC) or national classification and IPC B29C 49/22		07 April 2000 (07 04 00) FÜRHE-MEHLER WEISS & FRITZSCHE Eing 03. FEB 2003 Frist - - - - -
Applicant BOEHRINGER INGELHEIM PHARMA KG		

- 1 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- 2 This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70 16 and Section 607 of the Administrative Instructions under the PCT)
- These annexes consist of a total of _____ sheets

- 3 This report contains indications relating to the following items
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 21 September 2001 (21 09 01)	Date of completion of this report 29 April 2002 (29 04 2002)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No	Telephone No

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No

PCT/EP01/02849

I Basis of the report

1 This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments)

- ☐ the international application as originally filed.
- ☒ the description, pages 1-12, as originally filed,
 pages _____ filed with the demand,
 pages _____ filed with the letter of _____,
 pages _____, filed with the letter of _____
- ☒ the claims, Nos. 1-24, as originally filed,
 Nos. _____, as amended under Article 19
 Nos. _____ filed with the demand
 Nos. _____, filed with the letter of _____
 Nos. _____, filed with the letter of _____
- ☒ the drawings, sheets/fig 1/4-4/4, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____ filed with the letter of _____
 sheets/fig _____, filed with the letter of _____

2 The amendments have resulted in the cancellation of

- ☐ the description, pages _____
- ☐ the claims Nos. _____
- ☐ the drawings, sheets/fig _____

3 ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70 2(c))

4 Additional observations, if necessary

V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement**1 Statement**

Novelty (N)	Claims	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2 Citations and explanations**I**

- 1 The prior art document EP-A-0 182 094 (D1), which was cited in the search report, goes beyond WO-99/11451 (D2), which was already acknowledged in the introduction to the description, because according to D1, the production of the ventilation opening likewise occurs without a cutting tool. However, the production according to D1 occurs either by means of heat shrinkage or by opening the blowing mold tool, cf. Figures 6 and 7 and the respective accompanying descriptions.
- 2 In contrast thereto, in the method according to Claim 1 the opening is produced by a force, which acts in the direction of the seam, in the base area and within a defined temperature range. Furthermore, the inner pouch is axially fixed, at least in part, in the seam of the outer pouch.
- 3 Since the prior art provides no information with respect to these method steps, the method according to Claim 1 and the container according to Claim 18, which has the corresponding features, appear to meet

72

the requirements of PCT Article 33 with respect to novelty and inventive step

- 4 The dependent claims relate to further embodiments of the invention and appear to likewise meet the PCT requirements

II

- 1 The requirements of PCT Rule 5 1(a) have not been met, since D1 was neither cited nor acknowledged in the introduction to the description. These requirements can be fulfilled upon entrance into the regional phase. At that time, the problem to be solved should also be brought in line with the amended document.