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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. S. D.

Ref.: Expediente No. 07.129.834

Solicitud de Patente a nombre de

Environmental Packaging Technologies, Ltd.

Yo, DILIA MARÍA RODRÍGUEZ D'ALEMAN, identificada como aparece al pie de mi firma, domiciliada en la Carrera 11 No. 86-53, piso 6, obrando como apoderada de la sociedad Environmental Packaging Technologies, Ltd., domiciliada en Houston, Texas, Estados Unidos de América, solicitante de la patente de la referencia, dando alcance a mi memorial de 30 de mayo de 2008, me permito presentar copia del examen preliminar internacional.

Señor Superintendente,

DILIA MARÍA RODRÍGUEZ D'ALEMAN

C.C. 41.654.882 de Bogotá.

T.P. 20824 CSJ

ADP

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DOUGLAS H. ELLIOTT
PATTERSON & SHERIDAN, LLP
3040 POST OAK BLVD., SUITE 1500
HOUSTON, TX 77056

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year)

04 JUN 2008

Applicant's or agent's file reference

7046.04 PCT

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/43694

05 December 2005 (05.12.2005)

09 May 2005 (09.05.2005)

Applicant

ENVIRONMENTAL PACKAGING TECHNOLOGIES, LTD

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

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 report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Marionne Seidel

Telephone No. (571) 272-1600

Form PCT/IPEA/416 (January 2004)

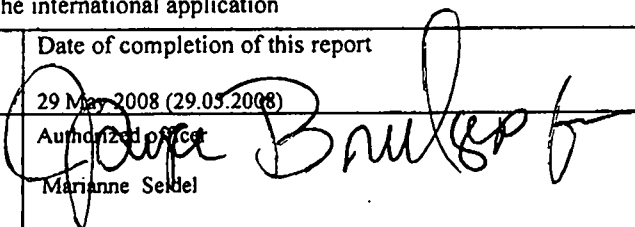
PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7046.04 PCT	FOR FURTHER ACTION		See Form PCT/TPEA/416
International application No. PCT/US05/43694	International filing date (day/month/year) 05 December 2005 (05.12.2005)	Priority date (day/month/year) 09 May 2005 (09.05.2005)	
International Patent Classification (IPC) or national classification and IPC IPC: B65D 30/08(2006.01) USPC: 383/112			
Applicant ENVIRONMENTAL PACKAGING TECHNOLOGIES, LTD			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>10</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows: ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: ☒ Box No. I Basis of the report ☐ Box No. II Priority ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. IV Lack of unity of invention ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement ☐ Box No. VI Certain documents cited ☒ Box No. VII Certain defects in the international application ☐ Box No. VIII Certain observations on the international application			
Date of submission of the demand 04 December 2006 (04.12.2006)		Date of completion of this report 29 May 2008 (29.05.2008)	
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized official  Marianne Seidel Telephone No. (571) 272-1600	

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/43694

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(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 this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-22 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 1-12 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-7 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below 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)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(c)).

** If item 4 applies, some or all of those sheets may be marked "superseded."*

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US05/43694

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)	Claims <u>1-24, 26-27</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-24, 26-27</u>	NO
Industrial Applicability (IA)	Claims <u>1-24, 26-27</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1-4, 16-18, 23 and 24 lack an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana.

Dorsch shows for claim 1, a flexible multi-layer container (10) for retention and delivery of flowable materials having independent layers (11) sealed off from each other with at least one fitting (figure 3) formed there through and compression seals formed with the at least one fitting formed there through comprising at least a 1st bag layer (11) formed from a compressible and elastically flexible material (column 3, lines 58-59) having the ability to expand within the elastic limits of said flexible material upon receiving flowable materials, at least a 2nd bag layer (11) formed from a compressible and elastically flexible material (column 3 lines 58-59) sized relative to said at least 1st bag layer for allowing said at least 1st bag layer formed from an elastically flexible material to smoothly expand within the elastic limits of said flexible material upon receiving flowable materials and for causing said at least 2nd bag layer (11) to be smoothly expanded within its elastic limits, and at least one fitting means (figure 3) formed through said at least 1st and 2nd bag layers (11) formed having a flange member (20) internal of said at least 1st bag layer (11) formed and a flange (22) external of said at least 2nd bag layer (11) formed for forming a compression seal between said flanges and said compressible and elastically flexible material (11) by compressing the compressible and elastically flexible material of said at least 1st and 2nd bag layer materials sufficiently for forming a compression seal there between and for sealing said at least one fitting means in place and for forming a flexible multilayer container, for claim 2, at least a 3rd bag layer (11) formed from a flexible material having strength and abrasion resistant properties sized relative to said at least 1st and 2nd bag layers (11) for allowing said at least 1st and 2nd bag layers formed from flexible materials to smoothly expand within their elastic limits and for causing said 3rd bag layer (11) to expand within its flexible limits, for claim 3, a 1st flanged member (20) internal of said at least 1st bag layer (11) having sufficient flange surface for engaging said at least 1st bag layer (11) formed from the inside surface of said at least 1st bag layer (11), a 2nd flanged member (22) external of said at least 3rd bag layer (11) having sufficient flange surface for engaging said at least 3rd bag layer (11) formed from the external surface of said at least 3rd bag

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layer (11) and for functional engagement with said 1st flanged portion means (20), and means for driving (23, 24) said 1st and 2nd flanged members (20, 22) toward each other and said at least 1st, 2nd and 3rd bag layers (11) for forming a compression seal there-between and seating said at least one fitting means in place and for forming a flexible multi-layer container, for claim 4, a sufficient surface on said 1st flanged member (20) portioned on said inside surface of said at least 1st bag layer (11) for providing a seating surface against said inside surface of said at least 1st bag layer (11) and a sufficient surface on said 2nd flanged member (22) having a gripping surface positioned on said outside surface of said at least 3rd bag layer (11) for holding said bag layers surface against movement and for engaging said flanged surfaces toward each other and against said at least 1st, 2nd and 3rd bag layer (11) surfaces for forming a compression seal and holding said at least 1st, 2nd, and 3rd bag layer (11) materials against movement creep, for claim 16 a flexible multi-layer container (10) for retention and delivery of flowable materials having independent layers (11) sealed off from each other with at least one fitting (figure 3) formed there through and compression seals formed at the at least one fitting formed there through comprising at least an interior bag layer (11) formed from a compressible and elastically flexible material (column 3 lines 58-59) having the ability to expand within the elastic limits of said flexible material upon receiving flowable materials, at least an exterior bag layer (11) formed from a flexible material having strength and abrasion resistant properties sized relative to said at least interior bag layers (11) for allowing said at least interior bag layers (11) formed from flexible materials to smoothly expand within its elastic limits and for causing said exterior bag layer (11) to expand within its flexible limits, and at least one fitting means (figure 3) formed through said at least interior and exterior bag layers (11) formed having a flange member (20) internal of said at least interior bag layer (11) and a flange (22) external of said at least exterior bag layer (11) formed for forming a compression seal between said flanges and said compressible and elastically flexible material by compressing the compressible and elastically flexible material of said at least interior and exterior bag layer materials sufficiently for sealing said at least one fitting means in place and for forming a flexible multi-layer container, for claim 17, a 1st flanged member (20) internal of said at least interior bag layer (11) having sufficient flange surface for engaging said at least interior bag layer (11) formed from the inside surface of said at least interior bag layer (11), a 2nd flanged member (22) external of said at least exterior bag layer (11) having sufficient flange surface for engaging said at least exterior bag layer (11) formed from the external surface of said at least exterior bag layer (11) and for engaging with said 1st flanged portion means (20), and means for driving (23, 24) said 1st and 2nd flanged members (20, 22) toward each other and said at least interior and exterior bag layers (11) for forming a compression seal there between and seating said at least one fitting means in place and for forming a flexible multi-layer container, and for claim 18, a sufficient surface on said 1st flanged member (20) portioned on said inside surface of said at least interior bag layer (11) for providing a seating surface against said inside surface of said at least interior bag layer (11), and a sufficient surface on said 2nd flanged member (22) having gripping surface positioned on said outside surface of said at least exterior bag layer (11) for holding said bag layers surface against movement and for engaging said flange surfaces (20, 22) toward each other and against said at least interior and exterior bag layer (11) surfaces for forming a compression seal and holding said at least interior and exterior bag layer (11) materials against movement creep. Dorsch does not show a multi-layer container having independent layers freely movable between each other. Maturana shows for claim 1 a flexible multi-layer container (10) for retention and delivery of flowable materials having independent layers (20, 24, 26) freely movable between each other (column 1 line 66 to column 2 line 1) and sealed off from each other - with at least one fitting formed there through and compression seals formed with the at least one fitting formed there through, and for claim 16, a flexible multi-layer container (10) for retention and delivery of flowable materials having independent layers (20, 24, 26) freely movable between each other (column 1 line 66 to column 2 line 1) and sealed off from each other with at least one fitting formed there through and compression seals formed at the at least one fitting formed there through. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use independent layers such as those of Maturana with the flanged fitting of Dorsch in order to provide protection to the container layers and contents.

Claims 5 and 19 lack an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana and further in view of Weikert. Dorsch and Maturana do not show grooved surfaces on the flanges. Weikert shows for claim 5, concentric grooved surfaces (figure 4) on said flanged portion (20) against said outside surface of said 3rd bag layer for holding said bag layers surfaces against movement creep and for being driven toward said 1st flange member (34) and against said at least 1st, 2nd and 3rd bag layer surfaces for forming a compression seal and holding said at least 1st, 2nd, and 3rd bag layer materials against movement creep, and for claim 19, concentric grooved surfaces (figure 4) on said flanged portion (20) against said outside surface of said exterior bag layer for holding said bag layers surfaces against movement creep and for being driven toward said 1st flange member (34) and against said at least interior and exterior bag layer surfaces for forming a compression seal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a grooved flange such as that of Weikert in the flanged fitting of Dorsch and Maturana in order to provide a better lock against material creep.

Claims 6-8, 13 and 20-24 lack an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana and further in view of Hodosh et al. Dorsch shows for claim 13, a method of forming a multi-layer container for retention and delivery of flowable material comprising indexing on said tube (11) for the position of a fitting (figure 3) having an orifice (covered by 23) and a flange surface (20) for aligning an aperture to be made at said orifice, making at least one hole (at 16) in said tube at said indexed position sufficient for the orifice of the fitting and for leaving said elastically flexible material in contact with said flange of said fitting, holding said

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flanged surface (20) of said fitting against said inside surface of said tube (11) about said hole made at said indexed position, indexing on said second tube (11) for the position of said fitting (figure 3) for aligning an aperture to be made there through with said at least 1st bag layer aperture, making at least one hole (at 16) in said second tube at said indexed position sufficient for the orifice of said fitting (figure 3) and for leaving said elastically flexible material in alignment with said at least 1st bag layer (11) material about said aperture, indexing on said 3rd bag layer (11) material for the position of said fitting (figure 3) for aligning aperture with said aperture of said at least 1st and 2nd bag layers (11), making a hole (at 16) in said 3rd bag layer (11) material at said indexed position for the orifice of said fitting (figure 3) and for leaving said 3rd bag layer (11) material in alignment with said at least 1st and 2nd bag layer (11) material about said apertures, holding said 2nd flanged surface (22) of said fitting against said outside surface of said at least 3rd bag layer (11), for claim 23, a method of forming a multi-layer container for retention and delivery of flowable material comprising indexing on said tube (11) for the position of a fitting (figure 3) having an orifice (covered by 23) and a flange surface (20) for aligning an aperture to be made at said orifice, making at least one hole (at 16) in said tube at said indexed position sufficient for the orifice of the fitting (figure 3) and for leaving said elastically flexible material (11) in contact with said flange (20) of said fitting, holding said flanged surface (20) of said fitting against said inside surface of said tube about said hole (at 16) made at said indexed position, indexing on said exterior bag layer (11) material for the position of said fitting (figure 3) for aligning an aperture (at 16) to be made with said aperture of said at least interior bag (11) layers, making at least one hole (at 16) in said exterior bag layer (11) material at said indexed position for the orifice of said fitting (figure 3) and for leaving said exterior bag layer (11) material in alignment with said at least interior bag layer material about said aperture, holding said 2nd flanged surface (22) of said fitting against said outside surface of said at least exterior bag layer (11), and for claim 24, indexing on said second tube (11) for the position of said fitting (figure 30 for aligning aperture (at 16) with said aperture of said at least interior bag layer, making a hole (at 16) in said second tube (11) at said indexed position sufficient for the orifice of said fitting (figure 3) and for leaving said elastically flexible material (11) in alignment with said at least interior bag layer material about said aperture, holding said 2nd flanged surface (22) of said fitting against said outside surface of said at least exterior bag layer (11). Dorsch does not show sealing the ends of the tubes or the flange fasteners. Maturana shows for claim 13, a method of forming a multi-layer container for retention and delivery of flowable material comprising forming at least a 1st seal on one end of a tube of a compressible and elastically flexible material, indexing on said tube for the position of a fitting having an orifice and a flange surface for aligning an aperture to be made at said orifice, making at least one hole in said tube at said indexed position sufficient for the orifice of the fitting and for leaving said elastically flexible material in contact with said flange of said fitting, holding said flanged surface of said fitting against said inside surface of said tube about said hole made at said indexed position, forming a 2nd seal on the other end of said tube of said compressible and elastically flexible material for forming at least a 1st bag layer (making of the first bag is described at column 5 lines 52-67), positioning said 1st bag layer into a second tube of a compressible and elastically flexible material, forming a 1st seal on one end of said second tube of a compressible and elastically flexible material, indexing on said second tube for the position of said, fitting for aligning an aperture to be made there through with said at least 1st bag layer aperture, making at least one hole in said second tube at said indexed position sufficient for the orifice of said fitting and for leaving said elastically flexible material in alignment with said at least 1st bag layer material about said aperture, forming a 2nd seal on the other end of said second tube to form a 2nd bag layer independent of said 1st bag layer and sufficiently distant therefrom to allow said 1st bag layer to smoothly expand within said 2nd bag layer within its elastic limits and for causing said 2nd bag layer to smoothly expand within its elastic limits (making of the second bag is described at column 6 line 55 to column 7 line 22), positioning said at least 1st and 2nd bag layers into a 3rd bag layer material having strength and abrasion resistant properties and a flexible limit, indexing on said 3rd bag layer material for

the position of said fitting for aligning aperture with said aperture of said at least 1st and 2nd bag layers, making a hole in said 3rd bag layer material at said indexed position for the orifice of said fitting and for leaving said 3rd bag layer material in alignment with said at least 1st and 2nd bag layer material about said apertures, forming a 3rd bag layer about said at least 1st and 2nd bag layers with sufficient distance from said at least 1st and 2nd bag layers to allow said at least 1st and 2nd bag layers to smoothly expand within each other and to smoothly expand within said at least 3rd bag layer to its flexible limits (making of the third bag is described at column 7 line 29 to column 8 line 8), for claim 22, at least an intermediate bag layer (24) formed from a compressible and elastically flexible material sized relative to said at least interior bag layer for allowing said at least interior flexible bag layer formed from an elastically flexible material to smoothly expand within the elastic limits of said

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flexible material upon receiving flowable materials and for causing said at least intermediate bag layer to be smoothly expanded within its elastic limits (column 1 line 66 to column 2 line 1), for claim 23, a method of forming a multi-layer container for retention and delivery of flowable material comprising forming at least a 1st seal on one end of a tube of a compressible and elastically flexible material, indexing on said tube for the position of a fitting having an orifice and a flange surface for aligning an aperture to be made at said orifice, making at least one hole in said tube at said indexed position sufficient for the orifice of the fitting and for leaving said elastically flexible material in contact with said flange of said fitting, holding said flanged surface of said fitting against said inside surface of said tube about said hole made at said indexed position, forming a 2nd seal on the other end of said tube of said compressible and elastically flexible material for forming at least an interior bag layer (making of the interior bag is described at column 5 lines 52-67), positioning said at least interior bag layers into a exterior bag layer material having strength and abrasion resistant properties and a flexible limit, forming a 1st seal on one end of said exterior bag layer material, indexing on said exterior bag layer material for the position of said fitting for aligning an aperture to be made with said aperture of said at least interior bag layers, making at least one hole in said exterior bag layer material at said indexed position for the orifice of said fitting and for leaving said exterior bag layer material in alignment with said at least interior bag layer material about said aperture, forming a 2nd seal on said exterior bag layer for forming an exterior bag layer about said interior bag layers with sufficient distance from said at least interior bag layers to allow said at least interior bag layers to smoothly expand within said exterior bag layer to its flexible limits (making of the exterior bag is described at column 7 line 29 to column 8 line 8), and for claim 24, positioning said interior bag layer formed in steps (a) thru (e) into a second tube of a compressible and elastically flexible material, forming a 1st seal on one end of said second tube of a compressible and elastically flexible material, indexing on said second tube for the position of said fitting for aligning aperture with said aperture of said at least interior bag layer, making a hole in said second tube at said indexed position sufficient for the orifice of said fitting and for leaving said elastically flexible material in alignment with said at least interior bag layer material about said aperture, forming a 2nd seal on the other end of said second tube for forming an intermediate bag layer independent of said interior bag layer and sufficiently distant therefrom to allow said interior bag layer to smoothly expand within said intermediate bag layer within its elastic limits and for causing said intermediate bag layer to smoothly expand within its elastic limits, positioning said at least interior and intermediate bag layers into an external bag layer material having strength and abrasion resistant properties and a flexible limit and completing steps (f) thru (m) of Claim 23, (making of the intermediate bag is described at column 6 line 55 to column 7 line 22) Maturana does not show the flange fasteners.

Hodosh et al. shows for claim 6, at least two apertures (for fastener 374) through said at least 1st, 2nd, and 3rd bag layers (362) and said 2nd flanged (373) member, at least two fastener receiving means within said 1st flanged member (372), and at least two fastener means (374) through said at least two apertures in said 2nd flanged member (373), said at least 1st, 2nd, and 3rd bag layers (362) and into said at least two fastener receiving means within said 1st flanged member (373) for compressing said 1st and 2nd flanged members toward each other and against said at least 1st, 2nd, and 3rd bag layer materials (362) there between as said fasteners (374) are tightened for forming a compression seal at said at least 1st, 2nd, and 3rd bag layer materials (362) and for preventing movement creep of said at least 1st, 2nd, and 3rd bag layers (362) at said formed compression seal (figure 1 lb), for claim 7 at least two apertures (for fastener 374) through said at least 1st, 2nd, and 3rd bag layers (362) and said 1st and 2nd flanged member (372, 373), and at least two fastener means (374) through said at least two apertures for compressing the 1st and 2nd flanged members (372, 373) toward each other and against said at least 1st, 2nd, and 3rd bag layer materials (362) there between as said fasteners (364) are tightened for forming a compression seals at said 1st, 2nd, and 3rd bag layer materials (362) and for preventing movement creep at said at least 1st, 2nd, and 3rd bag layer materials (363) from pulling out of said sealing engagement and for forming a compression seals at said 1st, 2nd, and 3rd bag layer materials (figure 1 lb), for claim 8 aligning means (374) on said at least 2nd bag layer connected to said at least 3rd bag layer for holding said at least 1st and 2nd bag layers in alignment with said at least 3rd bag layer as said at least 1st and 2nd bag layers are allowed to smoothly expand within their elastic limits within said at least 3rd bag layer and cause said at least 3rd bag layer to expand within its flexible limits, for claim 13 inserting fasteners (374) through said apertures in said flanged surfaces (372, 373) and said at least 1st, 2nd, and 3rd bag layers (362) and forcing said 1st flanged (373) and 2nd flanged (372) members of said fitting against said at least 1st, 2nd, and 3rd bag layer (362) portions between said 1st and 2nd flanged portions by fastening said fasteners (374) for forming a compression seal there between and low preventing movement creep of said at least 1st, 2nd, and 3rd bag layers at said fitting for forming a flexible multi-layer container for retention and

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delivery of flowable materials (figure 1 lb), for claim 20 at least two apertures (for fasteners 374) through said at least interior and exterior bag layers (362) and said 2nd flanged member (372), at least two fastener (374) receiving means within said 1st flanged member (373) and, at least two fastener means (374) through said at least two apertures in said 2nd flanged member (372), said at least interior and exterior bag layers (362), and into said at least two fastener (374) receiving means within said 1st flanged member (372) for compressing the 1st and 2nd flanged members against each other and said at least interior and exterior bag layer materials there between as said fasteners are tightened for forming a compression seal at said at least interior and exterior bag layer materials and for preventing movement creep at said formed compression seal (figure 1 lb), for claim 21 at least two apertures (for fasteners 374) through said at least interior and exterior bag layers (362) and said 1st and 2nd flanged member (373, 372) and, at least two fastener means (374) through said at least two apertures for compressing the 1st and 2nd flanged members (373, 372) against each other and said at least interior and exterior bag layer materials (362) there between and for preventing movement creep resistance against said at least interior and exterior bag layer materials from pulling out of said sealing engagement and for forming compression seals at said interior and exterior bag layer materials (figure 1 lb), and for claim 23 inserting fasteners (374) through said apertures in said flanged surfaces (372, 373) and said at least interior and exterior bag layers (362), and forcing said 1st flanged (373) and 2nd flanged (372) members of said fitting against said at least interior and exterior bag layer (362) portions between said 1st and 2nd flanged portions (373, 372) by fastening said fasteners (374) for forming a compression seal there between and for preventing movement creep of said at least interior, and exterior bag layers at said fitting for forming a flexible multilayer container for retention and delivery of flowable materials (figure 1 lb). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use independent layers such as those of Maturana and fasteners such as those of Hodosh et al. with the flanged fitting of Dorsch in order to provide protection to the container layers and contents, to provide a more secure mounting for the flange to prevent material creep.

Claims 9 and 10 lack an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana and Hodosh et al. and further in view of McGehee. Dorsch shows for claim 10, a material (11) of a thickness at its thinnest sufficient for allowing compression into a compression seal, and a material (11) of a thickness at its thickest sufficient for allowing compression into a compression seal and for preventing creep of said material at the point of compression into a seal about said at least one fitting means (figure 3). Dorsch, Maturana and Hodosh et al. do not show alignment tabs. McGehee shows for claim 9, tab members (13a, 27) connected to said at least 2nd bag layer (13) and projecting therefrom and connected to said 3rd bag layer (12) for causing said at least 1st and 2nd bag layers to align with said at least 3rd bag layer as said 1st and 2nd bag layers smoothly expand within their elastic limits and cause said at least 3rd bag layer to expand within its flexible limits. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use tab members such as those of McGehee in the container of Dorsch, Maturana and Hodosh et al. in order to align the bags.

Claims 11 and 12 lack an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana, Hodosh et al. and McGehee and further in view of Waiters. Dorsch, Maturana, Hodosh et al. and McGehee do not show the specific material thickness. Waiters shows for claim 11, a thinness of no less than 04 mils, and a thickness of no more than 80 mils (10 mils at column lines 63-64), and for claim 12, a thinness of no less than 06 mils, and a thickness of no more than 70 mils (10 mils at column lines 63-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a material of 10 mils as taught by Waiters in the container of Dorsch, Maturana, Hodosh et al. and McGehee in order to provide sufficient strength to the container walls.

Claims 14, 15, 26 and 27 lack(s) an inventive step under PCT Article 33(3) as being obvious over Dorsch in view of Maturana and Hodosh et al. and further in view of Coss et al. The term inch/lbs" is not a recognizable unit of force. It is assumed the unit is referring to torque and is being interpreted as "inch-lbs." Dorsch and Maturana do not show the specific force levels. Cosset al. shows for claim 14, fastening said fasteners with a force of 75 Inch/lbs to 400 inch/lbs (column 1 lines 40-42 describe a torque wrench with a range of 5 to 100 foot-pounds, which converts to 60-600 inch-lbs, which is capable of fastening fasteners with the specified force) for forming a compression seal and for preventing movement creep of said at least 1st, 2nd, and 3rd bag layers and pulling away from said at least one fitting, for claim 15, fastening said fasteners with a force of 80 inch/lbs to 305 inch/lbs (column 1 lines 40-42 describe a torque wrench with a range of 5 to 100 foot-pounds, which converts to 60-600 inch-lbs, which is capable of fastening fasteners with the specified force) for forming a compression seal and for preventing movement creep of said at least 1st, 2nd, and 3rd bag layers and pulling

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way from said at least one fitting, for claim 26 fastening said fasteners with a force of 75 inch/lbs to 400 inch/lbs (column 1 lines 40-42 describe a torque wrench with a range of 5 to 100 foot-pounds, which converts to 60-600 inch-lbs, which is capable of fastening fasteners with the specified force) for forming a compression seal and for preventing movement creep of said at least interior, intermediate, and external bag layers and pulling away from said at least one fitting, and for claim 27 fastening said fasteners with a force of 80 inch/lbs to 315 inch/lbs (column 1, lines 40-42 describe a torque wrench with a range of 5 to 100 foot-pounds, which converts to 60-600 inch-lbs, which is capable of fastening fasteners with the specified force) for forming a compression seal and for preventing movement creep of said at least internal, intermediate, and external bag layers and pulling away from said fitting.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a torque wrench such as that of Cosset al. to fasten the fasteners of Dorsch, Maturana and Hodosh et al. with the specified force in order to prevent the fasteners from becoming loose.

Claims 1-24, 26 and 27 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry. There is no claim 25.

----- NEW CITATIONS -----
NONE

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Bogotá D.C.,

Doctor(a)

RODRIGUEZ D ALEMAN DILIA MARIA

Apoderado(a) y/o Representante de

ENVIRONMENTAL PACKAGING TECHNOLOGIES, LTDA

REFERENCIA	Radicación No.	7 129834
	Solicitud internacional	PCT/US2005/043694
	Fecha inicio fase nacional	09/12/2007
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	7521
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase

Dado en Bogotá DC,

29 ENE. 2009.

ALIX CARMENZA CESPEDES DE VERGEL

Jefe de la división de Nuevas Creaciones

jfernand

DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No.07-129834

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCION**
FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **603** DE
FECHA **30 DE ABRIL DE 2009** EL TÉRMINO HÁBIL SEÑALADO POR LA LEY
EXPIRA EL **31 DE JULIO DEL 2009**

NOTA: Dentro del plazo de los seis (6) meses siguientes a partir de la fecha de publicación en la gaceta de Propiedad Industrial, deberá solicitar y cancelar el examen de patentabilidad so pena de que la solicitud caiga en abandono, de acuerdo con lo establecido en el Artículo 44 de la Decisión 486/2000.

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

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