

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
KUBICKI, H., Michael

2300 Winchester Road Neenah Wisconsin 54956 USA

Date of mailing
(day/month/year) **24 April 2015 (24.04.2015)**

Applicant's or agent's file reference 64935724PC02	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/IB2015/050439	International filing date (day/month/year) 20 January 2015 (20.01.2015)	Priority date(day/month/year) 31 January 2014 (31.01.2014)
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International Patent Classification (IPC) or both national classification and IPC
B65D 33/16(2006.01)i, B65D 33/25(2006.01)i

Applicant
KIMBERLY-CLARK WORLDWIDE, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ 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 Rule 43bis.1(a)(i) with regard to novelty, inventive step and 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

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/KR International Application Division Korean Intellectual Property Office 189 Cheongsu-ro, Seo-gu, Daejeon Metropolitan City, 302-701, Republic of Korea Facsimile No. ++82 42 472 7140	Date of completion of this opinion 23 April 2015 (23.04.2015)	Authorized officer PARK, Tae Wook Telephone No. +82-42-481-3405
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**WRITTEN OPINION OF THE
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Box No. 1 Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*. I(a))

3. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:

- a. ☐ forming part of the international application as filed:
☐ in the form of an Annex C/ST.25 text file.
☐ on paper or in the form of an image file.
- b. ☐ furnished together with the international application under PCT Rule 13*ter*. I(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
- c. ☐ furnished subsequent to the international filing date for the purposes of international search only:
☐ in the form of an Annex C/ST.25 text file (Rule 13*ter*. I(a)).
☐ on paper or in the form of an image file (Rule 13*ter*. I(b) and Administrative Instructions, Section 713).

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 6-14,16

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international search (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 7,14
are so unclear that no meaningful opinion could be formed (*specify*):

These claims are unclear since they refer to multiple dependent claim which does not comply with PCT Rule 6.4(a). Hence, claims 7 and 14 do not meet the requirements of PCT Article 6.

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 6-14,16

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing in the form of an Annex C/ST.25 text file, and such listing was not available to the International Searching Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

☐ furnish a sequence listing on paper or in the form of an image file 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 the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

☐ 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).

☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5,15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-5,15	NO
Industrial applicability (IA)	Claims	1-5,15	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: KR 20-2010-0008081 U (LIM, JANG-OH) 13 August 2010

D2: US 2011-0073225 A1 (PACE et al.) 31 March 2011

D3: US 2004-0203306 A1 (GRAFE et al.) 14 October 2004

1. Novelty and Inventive Step

1.1 Independent Claim 1

D1, which is considered to be the closest prior art to the subject matter of claim 1, discloses a refillable dispenser (A) comprising: a flexible pouch to define an interior space between a front wall and a back wall; a dispensing opening; a movable cover (B1); and a zipper configured to define a refill opening (see paragraphs [0006]-[0008] and figures 1-5). This claim differs from D1 in that a refillable dispenser comprises: a front wall eyelet extending through a front wall and a back wall eyelet extending through a back wall, the front wall eyelet superposed over the back wall eyelet, wherein both the front wall eyelet and the back wall eyelet are disposed transversely inward of a seam; and a handle connected to a pouch via a handle connector, the handle connector extending through the front wall eyelet and the back wall eyelet. However, said front and back wall eyelets would be easily conceived from the disclosure of D2 considering that a bag comprises an eyelet for inserting a handle therethrough (see paragraph [0077] and figure 2B), and said handle is identical to a handle connected to swiveled loops (32) in D2 (see figure 2B). Accordingly, it would be obvious to a person skilled in the art to apply the feature of D2 to the refillable dispenser of D1 to arrive at the refillable dispenser of claim 1. Therefore, claim 1 does not involve an inventive step under PCT Article 33(3).

Continued on Supplemental Box

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 6, 8-13 and 16 do not comply with the third sentence of PCT Rule 6.4(a), because multiple dependent claims should not serve as a basis for any other multiple dependent claim.

The unit of length employed in claim 15 is not additionally expressed in terms of the units stipulated by PCT Rule 10.1(a).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 15 includes obscure expressions such as "about", which render the determination of the exact scope of the claims difficult, contrary to PCT Article 6.

Supplemental Box

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

Continuation of : Box No. V

1.2 Dependent Claims 2-5

1.2.1 Concerning Claims 2-4

The additional features of claims 2-4, characterized in that the refillable dispenser further comprises a front wall grommet surrounding the front wall eyelet on an outer surface of the front wall (claim 2) and a back wall grommet surrounding the back wall eyelet on an outer surface of the back wall (claim 3), wherein the front wall grommet and the back wall grommet are integrally interconnected to each other (claim 4), would be easily conceived from the disclosure of D2 considering that the swiveled loops (32) on the ends of the handles (30) are looped through grommets (28) near the top periphery of the foundation bag (12) (see paragraph [0079] and figure 2B). Accordingly, these claims would have been obvious over D1 in view of D2. Therefore, claims 2-4 do not involve an inventive step under PCT Article 33(3).

1.2.2 Concerning Claim 5

The additional feature of claim 5, characterized in that the front wall eyelet has a front wall eyelet periphery and the back wall eyelet has a back wall eyelet periphery, wherein the front wall eyelet and back wall eyelet are sealed to each other along their respective peripheries, is merely one of several straightforward possibilities from which a skilled person would select, in accordance with circumstances, without the exercise of inventive skill. Accordingly, this claim would have been obvious over D1 in view of D2. Therefore, claim 5 does not involve an inventive step under PCT Article 33(3).

1.3 Independent Claim 15

D1, which is considered to be the closest prior art to the subject matter of claim 15, discloses a refillable dispenser (A) comprising: a flexible pouch to define an interior space between a front wall and a back wall; a dispensing opening; a movable cover (B1); and a zipper configured to define a refill opening, wherein the dispensing opening is surrounded by a rigid structure (B2), wherein the cover (B1) is hingedly attached to the rigid structure (B2), wherein the zipper is configured to define a refill opening, wherein the front wall has a top edge and first and second side edges that extend perpendicularly from opposite ends of the front wall top edge, and wherein the back wall has a top edge and first and second side edges that extend perpendicularly from opposite ends of

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Supplemental Box

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the back wall top edge (see paragraphs [0006]-[0008] and figures 1-5). This claim differs from D1 in that a refillable dispenser comprises: a front wall eyelet extending through a front wall and a back wall eyelet extending through a back wall, the front wall eyelet superposed over the back wall eyelet, wherein both the front wall eyelet and the back wall eyelet are disposed transversely inward of a seam; and a handle connected to a pouch via a handle connector, the handle connector extending through the front wall eyelet and the back wall eyelet, the handle defining a closed loop, wherein the handle connector is integrally formed with the handle, wherein the front wall eyelet has a front wall eyelet periphery and the back wall eyelet has a back wall eyelet periphery, wherein the front wall eyelet and back wall eyelet are sealed to each other along their respective peripheries, wherein a front wall grommet surrounds the front wall eyelet on an outer surface of the front wall, wherein the flexible material has a bending resistance of between about 40 milligrams of force and 150 milligrams of force, and a thickness of between about 8 mils and about 15 mils, where the front wall is connected to the back wall via a first side seam that connects the front wall first side edge to the back wall first side edge, via a second side seam that connects a front wall second side edge to a back wall second side edge, and via a bottom gusset wall that extends between and is formed integrally with the front wall and the back wall, and wherein both the front wall eyelet and the back wall eyelet are disposed between the first side seam and the second side seam of the seam. However, said front and back wall eyelets would be easily conceived from the disclosure of D2 considering that a bag comprises an eyelet for inserting a handle therethrough (see paragraph [0077] and figure 2B), said handle is identical to a handle connected to swiveled loops (32) and defining a closed loop in D2 (see figures 2C-2D), said front wall grommet would be easily conceived from the disclosure of D1 considering that the swiveled loops (32) on the ends of the handles (30) are looped through grommets (28) near the top periphery of the foundation bag (12) (see paragraph [0079] and figure 2B), said bending resistance of flexible material is identical to the feature of D3 in that paper has the bending resistance less than 300 miligrams (see claim 8), said thickness of flexible material is merely a variation of the thickness of the layer, which is 0.01 to 0.2 centimeters in D3 (see claim 1), and other remaining features are merely one of several straightforward possibilities from which a skilled person would select, in accordance with circumstances, without the exercise of inventive skill. Accordingly, it would have been obvious to a person skilled in the art to combine the features of D1-D3. Therefore, claim 15 does not involve an inventive step under PCT Article 33(3).

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2. Industrial Applicability

Claims 1-5 and 15 are industrially applicable under PCT Article 33(4).