

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: KUBICKI, H. MICHAEL KIMBERLY-CLARK WORLDWIDE, INC. 2300 WINCHESTER ROAD NEENAH WI 54956 USA
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Date of mailing (day/month/year)	16 February 2015 (16.02.2015)
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Applicant's or agent's file reference 64903105PC02	FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US2014/063285	International filing date (day/month/year) 31 October 2014 (31.10.2014)	Priority date(day/month/year) 30 April 2014 (30.04.2014)
International Patent Classification (IPC) or both national classification and IPC B65D 65/14(2006.01)i, B65D 83/08(2006.01)i		
Applicant KIMBERLY-CLARK WORLDWIDE, INC.		

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

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|-------------------------------------|--------------|---|
| ☒ | 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 3473	Date of completion of this opinion 13 February 2015 (13.02.2015)	Authorized officer LEE, Hun Gil Telephone No. +82-42-481-8525
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2014/063285

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 filed or furnished:

a. (means)

- ☐ on paper
- ☐ in electronic form

b. (time)

- ☐ in the international application as filed.
- ☐ together with the international application in electronic form.
- ☐ subsequently to this Authority for the purposes of search.

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 in 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. 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	1-10	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 7699166 B2 (GAUGER et al.) 20 April 2010

D2: US 2011-0155738 A1 (MIYAKE et al.) 30 June 2011

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 an adhesive label adapted to cover an opening in a package comprising: a polymeric sheet (30) having a length (not shown), a width (not shown), a thickness (not shown), a bottom surface (not shown), and a top surface (not shown), wherein the polymeric sheet (30) has a peelable member (32) and a frame portion (34), and wherein the peelable member and the frame portion (32, 34) occupy the same plane when the peelable member (32) is in a closed position; and the peelable member and the frame portion (32, 34) adapted to be at least partially adhered to the package (10) (see column 4, line 41 - column 5, line 4 and figures 2, 3C).

Claim 1 differs from D1 in that a flexible resealable label adapted to cover a dispensing opening in a package in claim 1 comprises: a flap portion having a hinge side and a lifting side opposite the hinge side in a length dimension, wherein the hinge side is connected to a base portion along a hinge, such that the flap portion can movably pivot with respect to the base portion at the hinge about an axis of rotation to assume an open position, and wherein the lifting side includes a starting tab; and the hinge defined by a straight line of intermittent cuts that extends in a width dimension, wherein each of the cuts extends all the way through a thickness of a sheet, and wherein the line of intermittent cuts resides in the axis of rotation of the hinge. However, these features are merely matters of design variation from the disclosure of D2 considering a lid (120) having a boundary (120D) and an open-closing portion (120B), boundary (120D) functions as a hinge formed between the open-closing portion (120B) and a proximal portion (120A), the lid (120) including a tab portion (120C), and wherein the boundary (120D) resides in an axis of rotation (not shown) of the lid (120) (see paragraphs

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[0047], [0052], [0058] and figures 1-3). Accordingly, claim 1 would have been obvious over D1 in view of D2. Therefore, claim 1 does not involve an inventive step under PCT Article 33(3).

1.2 Dependent Claims 2-9

1.2.1 Concerning Claim 2

The additional feature of claim 2, characterized in that the straight line of intermittent cuts includes at least three distinct cut segments, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 2 would have been obvious over D1 in view of D2. Therefore, claim 2 does not involve an inventive step under PCT Article 33(3).

1.2.2 Concerning Claim 3

The additional feature of claim 3, characterized in that the straight line of intermittent cuts includes at least five distinct cut segments, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 3 would have been obvious over D1 in view of D2. Therefore, claim 3 does not involve an inventive step under PCT Article 33(3).

1.2.3 Concerning Claim 4

The additional feature of claim 4, characterized in that the hinge has a hinge length, and wherein the intermittent cuts define at least 50% of the hinge length, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 4 would have been obvious over D1 in view of D2. Therefore, claim 4 does not involve an inventive step under PCT Article 33(3).

1.2.4 Concerning Claim 5

The additional feature of claim 5, characterized in that the intermittent cuts define at least 75% of the hinge length, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 5 would have been obvious over D1 in view of D2. Therefore, claim 5 does not involve an inventive step under PCT Article 33(3).

1.2.5 Concerning Claim 6

The additional feature of claim 6, characterized in that the hinge has the hinge length, and wherein the flap portion is connected to the base portion along no more than 25% of the

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hinge length, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 6 would have been obvious over D1 in view of D2. Therefore, claim 6 does not involve an inventive step under PCT Article 33(3).

1.2.6 Concerning Claim 7

The additional feature of claim 7, characterized in that the base portion extends at least partially around the flap portion in the width and length dimensions, so as to frame at least 75% of a periphery of the flap portion, the flap portion being unconnected to the base portion other than along the hinge, is merely a matter of design variation when the general knowledge in the relevant field of the art is used. Accordingly, claim 7 would have been obvious over D1 in view of D2. Therefore, claim 7 does not involve an inventive step under PCT Article 33(3).

1.2.7 Concerning Claim 8

The additional feature of claim 8 is identical to the feature of D1 in that an adhesive at least partially covers the bottom surface (not shown), wherein the adhesive is adapted to releasably adhere the polymeric sheet (30) to the package (10) (see column 4, line 41 - column 5, line 4 and figures 2, 3C). Accordingly, claim 8 would have been obvious over D1 in view of D2. Therefore, claim 8 does not involve an inventive step under PCT Article 33(3).

1.2.8 Concerning Claim 9

The additional feature of claim 9 is identical to the feature of D1 in that when the adhesive label (30) is adhered to the package (10), the peelable member (32) can be resealably peeled away from the package (10) to the open position (not shown) so as to reveal the opening (26, 28) while the frame portion (34) remains adhered to the package (10), wherein the peelable member (32) can assume a fully open position and remain in the fully open position without application of an external force (see column 4, line 41 - column 5, line 4 and figures 2, 3C). Accordingly, claim 9 would have been obvious over D1 in view of D2. Therefore, claim 9 does not involve an inventive step under PCT Article 33(3).

1.3 Independent Claim 10

The subject matter of claim 10 relates to a package comprising a label of claim 1. The technical features of claim 10 essentially correspond to those of claim 1. Accordingly, the same reasoning as in claim 1 applies to claim 10. Therefore, claim 10 does not involve an inventive step under PCT Article 33(3).

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2. Industrial Applicability

Claims 1-10 are industrially applicable under PCT Article 33(4).