

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2014/051284

International filing date (day/month/year)
15.08.2014

Priority date (day/month/year)
05.05.2014

International Patent Classification (IPC) or both national classification and IPC
INV. B65D75/56 B65D75/58 B65D75/00 B65D75/28 B29C65/18 B29C65/00 B29C65/02

Applicant
DOW GLOBAL TECHNOLOGIES LLC

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 43*bis*.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 usually 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 66.1*bis*(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:



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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

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Box No. I Basis of the 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 43bis.1(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:

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)	Yes: Claims	<u>1-13</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>9</u>
	No: Claims	<u>1-8, 10-13</u>
Industrial applicability (IA)	Yes: Claims	<u>1-13</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

1 Reference is made to the following documents:

- D1 US 2011/056965 A1 (PEER SYED M [US] ET AL) 10 March 2011
(2011-03-10)
- D2 EP 0 899 084 A1 (SHINSEI CO LTD [JP]) 3 March 1999 (1999-03-03)
- D3 US 2011/069908 A1 (WILKES KENNETH R [US] ET AL) 24 March 2011
(2011-03-24)
- D4 EP 1 176 096 A2 (WINDMOELLER & HOELSCHER [DE]) 30 January
2002 (2002-01-30)

2 The present application does not meet the criteria of Article 33(3) PCT,
because the subject-matter of claim 1 does not involve an inventive step.

2.1 Document D1 is regarded as being the prior art closest to the subject-matter
of claim 1, and discloses [references applying to this document] :

"A process for producing a flexible container (10) comprising:

A. providing a rear panel web (24), a front panel web (22), a first folded gusset
panel web (18), and a second folded gusset panel web (20), each panel web
having peripheral edges and a bottom face, each bottom face having two
opposing tapered edges meeting at a bottom end (see figures 1 and 7);

B. placing the folded gusset panel webs (18, 20) between the rear panel web
(24) and the front panel web (22), the gusset panel webs (18, 20) opposing
each other, the panel webs configured to form a common periphery and the
bottom seal area including the bottom end of each panel (see fig. 7);

C. first sealing the peripheral edges, the tapered edges, and the bottom seal
area under a first heat seal condition (see paragraph 22);

E. forming a flexible container (10)."

- 2.2 The subject-matter of claim 1 therefore differs from this known process in that it further provides the step
- D. second sealing at least a portion of the bottom seal area under a second heat seal condition;
- and is therefore new.
- 2.3 The problem to be solved by the present invention may therefore be regarded as to provide means to guaranty a seal having which two-ply and four-ply parts.
- 2.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
- i) The same problem has been addressed by document D2 proposing the same solution (see paragraphs 10-12). Therefore it would be obvious for the skilled man to apply the teachings of D2 in D1 and arrive at the same subject-matter of claim 1.
- 3 Dependent claims 2-8 and 10-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. The reasons being as follows :
- i) The additional features of claims 2-8 and 10-13 are either already disclosed in documents D1-D4 or matter of normal design procedure. Therefore, they constitute obvious design possibilities for the skilled person in order to solve the problem posed.
- 4 The combination of the features of dependent claim 9 is neither known from, nor rendered obvious by, the available prior art.