

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|                                                                                                                                         |                                                                                           |                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Applicant's or agent's file reference<br><b>DOW-38503-A</b>                                                                             | <b>FOR FURTHER ACTION</b>                                                                 | See item 4 below                                                           |
| International application No.<br><b>PCT/US2014/051284</b>                                                                               | International filing date ( <i>day/month/year</i> )<br><b>15 August 2014 (15.08.2014)</b> | Priority date ( <i>day/month/year</i> )<br><b>05 May 2014 (05.05.2014)</b> |
| International Patent Classification (8th edition unless older edition indicated)<br><b>See relevant information in Form PCT/ISA/237</b> |                                                                                           |                                                                            |
| Applicant<br><b>DOW GLOBAL TECHNOLOGIES LLC</b>                                                                                         |                                                                                           |                                                                            |

|                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                 |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
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| 1.                                                                                                                                                                                                                | This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                 |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| 2.                                                                                                                                                                                                                | This REPORT consists of a total of 5 sheets, including this cover sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                 |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                 |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| 3.                                                                                                                                                                                                                | <p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | <input checked="" type="checkbox"/>                                                                                                                             | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>                                                                                                                                                                               | Box No. I                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Basis of the report                                                                                                                                             |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Priority                                                                                                                                                        |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. IV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Lack of unity of invention                                                                                                                                      |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input checked="" type="checkbox"/>                                                                                                                                                                               | Box No. V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. VI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Certain documents cited                                                                                                                                         |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. VII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Certain defects in the international application                                                                                                                |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| <input type="checkbox"/>                                                                                                                                                                                          | Box No. VIII                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Certain observations on the international application                                                                                                           |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |
| 4.                                                                                                                                                                                                                | The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                 |           |                     |                          |            |          |                          |             |                                                                                                  |                          |            |                            |                                     |           |                                                                                                                                                                 |                          |            |                         |                          |             |                                                  |                          |              |                                                       |

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| <p style="text-align: center;">The International Bureau of WIPO<br/>34, chemin des Colombettes<br/>1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p> | <p>Date of issuance of this report<br/><b>08 November 2016 (08.11.2016)</b></p> <p>Authorized officer<br/><br/><b>Athina Nickitas-Etienne</b></p> <p>e-mail: pt04.pct@wipo.int</p> |
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# 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:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Telephone No. +49 89 2399-0



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**Box No. I Basis of the opinion**

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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:

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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**

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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.