

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.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/US2014/051296	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. B65D75/00 B65D75/28 B65D75/56 B65D75/58		
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 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 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 66.1bis(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:  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

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>1-20</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-20</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</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 US 2011/069908 A1 (WILKES KENNETH R [US] ET AL) 24 March 2011 (2011-03-24)
- D3 JP H10 211930 A (HOSOKAWA YOKO KK) 11 August 1998 (1998-08-11)
- D4 DE 26 35 366 A1 (HOECHST AG) 9 February 1978 (1978-02-09)
- D5 DE 19 34 749 A1 (SPIESS C F & SOHN) 14 January 1971 (1971-01-14)

2 The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

2.1 In particular, it appears to be impossible that when choosing a distance of 0mm between the apex point and the bottom distalmost inner seal point, still the peripheral tapered seals can still be referred to as "tapered".

3 Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and the criteria of Article 33(1) PCT are therefore not met.

3.1 Document D1 discloses [references applying to this document] :

"A flexible container comprising:

A. a front panel (22), a rear panel (24), a first gusseted side panel (18), and a second gusseted side panel (20), the gusseted side panels (18, 20) adjoining the front panel (22) and the rear panel (24) along peripheral seals to form a chamber;

B. each panel includes a bottom face comprising two opposing peripheral tapered seals (40), each peripheral tapered seal extending from a respective peripheral seal, each peripheral tapered seal comprising an inner edge, the peripheral tapered seals converging at a bottom seal area;

C. the front panel bottom face comprises a first line defined by the inner edge of the first peripheral tapered seal and a second line defined by the inner edge of the second peripheral tapered seal inner edge, the first line intersecting the second line at an apex point in the bottom seal area (Obviously also the case in Fig. 7);

D. the front panel bottom face has a bottom distalmost inner seal point on the inner edge (Obvious feature taking into account fig. 7); and

E. the apex point is separated from the bottom distalmost inner seal point by a distance from Omm to less than 8.0mm (it appears the case in fig. 7)."

- 3.2 NOTE : although document D1 does not implicitly discusses the distance between the apex point and the bottom distalmost inner seal point, the distance claimed in claim 1 appears to disclosed in D1.

Moreover, it is to be noted that the fact of choosing a determined angle for the seals at the bottom of the container, being defined by the distance of claim 1 or otherwise, cannot constitute the basis for an inventive step.

- 4 Dependent claims 2-20 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 novelty and/or inventive step. The reasons being as follows :

i) The additional features of claims 2-20 are either already disclosed in documents D1-D6 or matter of normal design procedure. Therefore, they constitute obvious design possibilities for the skilled person in order to solve the problem posed.