

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
see form PCT/ISA/220

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/US2015/035239	International filing date (day/month/year) 11.06.2015	Priority date (day/month/year) 20.06.2014
International Patent Classification (IPC) or both national classification and IPC INV. B01D53/26 B01D53/28 C10L3/10 C08L71/02 C08G65/26 C07C43/11		
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 Burkhardt, Thorsten 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:
 - 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 13ter.1(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 13ter.1(a)).
 - ☐ on paper or in the form of an image file (Rule 13ter.1(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:

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. 1-10(partially)

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. are so unclear that no meaningful opinion could be formed (*specify*):

☐ 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 the whole application or for said claims Nos. 1-10(partially)

☐ 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

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:
- ☐ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-10(partially)

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>3, 4, 7, 8(all partially)</u>
	No: Claims	<u>1, 2, 5, 6, 9, 10(all partially)</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-10(partially)</u>
Industrial applicability (IA)	Yes: Claims	<u>1-10(partially)</u>
	No: Claims	

2. Citations and explanations

see separate sheet

1 Cited documents

Reference is made to the following documents (D):

- D1 EP 0 193 327 A1 (DOW CHEMICAL CO [US]) 3 September 1986
(1986-09-03)
- D2 US 5 922 109 A (ROONEY PETER C [US] ET AL) 13 July 1999
(1999-07-13)

Re Item IV

Lack of unity of invention

2 Unity of the invention

2.1 It is considered that the application contains the five following subject-matters (SM):

1. claims: 1-10(partially)
Polyhydric alcohol dehydration composition or process for removing water from a gas using the composition
wherein the composition comprises a compound of the formula (I) wherein $l+m+n=0$, i.e. the compound is glycerol.
2. claims: 1-10(partially)
Polyhydric alcohol dehydration composition or process for removing water from a gas using the composition
wherein the composition comprises a compound of the formula (I) wherein $1 \leq l+m+n \leq 2$.
3. claims: 1-10(partially)
Polyhydric alcohol dehydration composition or process for removing water from a gas using the composition
wherein the composition comprises a compound of the formula (II).
4. claims: 1-10(partially)

Polyhydric alcohol dehydration composition or process for removing water from a gas using the composition

wherein the composition comprises a compound of the formula (III).

5. claims: 1-10(partially)

Polyhydric alcohol dehydration composition or process for removing water from a gas using the composition

wherein the composition comprises a compound of the formula (IV).

2.2 **D1** (EP0193327 A) is considered as prior art at hand and discloses a polyhydric alcohol dehydration composition or a process for removing water from a gas using the composition wherein the composition comprises a compound of the formula (I) wherein $l+m+n=0$, i.e. the compound is glycerol (claims 1, 7 and 9).

The first subject-matter has no differentiating feature (and consequently no special technical feature).

The differentiating features of the second to fifth subject-matter are the respective compounds that are comprised in the composition. In the absence of a surprising and unexpected effect the problem to be solved is to provide alternative compositions/processes.

Consequently, the five subject-matters do not have a same or corresponding special technical feature and the application lacks unity (Rule 13 PCT).

2.3 A similar objection can be raised in view of **D2** (US 5922109 A) (see claim 26).

2.4 The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of invention, will be the subject of a search. No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in

respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16). In such a case the non-searched claims may be the subject of one or more divisional applications after the application has entered the regional phase before the EPO (see W18/07, point 26).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3 Novelty and inventive step

3.1 For the reasons given under 2.2 and 2.3 the subject-matter of **claims 1 and 5** is anticipated by any of **D1** and **D2** (Art. 33(2) PCT).

3.2 As to the **dependent claims** the following is remarked:

- any of D1 and D2 discloses the addition of TEG (D1: Table 3; D2: Table 5)
- the addition of the claimed additives in this field is known. This is acknowledged in the application itself (p.6 par 4 - p.7 par 3).
- in D1 and D2 the gas to be treated is possibly natural gas

Hence, the subject-matter of the dependent claims does not add new or inventive subject-matter (Art. 33(2) and (3) PCT).