

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 76783-WO-PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2015/053920	International filing date (<i>day/month/year</i>) 05 October 2015 (05.10.2015)	Priority date (<i>day/month/year</i>) 20 October 2014 (20.10.2014)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant DOW GLOBAL TECHNOLOGIES LLC		

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 6 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.	This report contains indications relating to the following items: <table style="width: 100%;"> <tr> <td style="width: 5%; text-align: center;">☒</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;">☐</td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;">☐</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;">☐</td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;">☒</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;">☐</td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;">☐</td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	☒	Box No. I	Basis of the report	☐	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 Article 35(2) with regard to novelty, inventive step or 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
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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).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 25 April 2017 (25.04.2017) Authorized officer Agnès Wittmann-Regis e-mail: pct.team6@wipo.int
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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 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/US2015/053920	International filing date (day/month/year) 05.10.2015	Priority date (day/month/year) 20.10.2014
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International Patent Classification (IPC) or both national classification and IPC
INV. B32B7/00 B32B7/02 B32B7/04 B32B7/06 B32B7/12 B32B27/00 B32B27/06 B32B27/08 B32B27/28
B32B27/30 B32B27/32 B32B27/34 B32B1/00 B32B1/02 B32B3/00 B32B3/02 B32B3/06 B32B3/30

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 P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Date of completion of this opinion see form PCT/ISA/210	Authorized Officer Hammond, Andrew Telephone No. +31 70 340-0 
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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:

see separate sheet

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	
	No: Claims	<u>1-16</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-16</u>
Industrial applicability (IA)	Yes: Claims	<u>1-16</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Item 1

Basis of the opinion

1. This written opinion is based on the application claims 1-16 as filed.

Item V

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

2. The following documents are cited in the present opinion. The numbering will be adhered to in the rest of the proceedings :

D1 US20040151932

D2 WO2013101931

D3 US5874139

3. Clarity - The present application does not currently appear to meet the requirements of Article 6 PCT for clarity for the following reasons :

(a) The use in the present application claim 1 (and dependent claims thereof) of the phrase "cohesive failure" (when referring to the adjacent layer), currently appears to lack clarity as the said claim does not disclose any ASTM / experimental methodology and conditions (such as temperature, pressure etc.) used for the measurement and quantified definition thereof - which is thus leading to subjective interpretation and a lack of clear and objective definition of the subject-matter for which protection is sought.

(b) The use in the present application claim 2 of the phrase "does not substantially increase" (when referring to the force of seal) , currently appears to lack clarity as the said claim does not clearly, quantitatively and objectively define what is constituting, and what is not constituting, a "substantial increase".

4. In view of the above point 3, D1-D3 disclose multilayer structures which currently appear to overlap the present application claim 1.

- The disclosures of D1 (abstract ; Figures 5-7 ; paragraph 39 - "adjacent layer may comprise a resin or blends of..polyethylenes, polypropylenes, ethylene methylacrylic

acid, ethylene acrylic acid, .." ; Figures 1-4 ; paragraphs 48-51 ; paragraphs 10-59 ; claims 1-32), currently appear to overlap the subject-matter of present application claims 1-16 (Article 33(2) PCT).

- The disclosures of D2 (abstract ; claims 1-20 ; page 9 lines 1-15 ; Figures 1, 2 ; page 1 line 12 - page 13 line 1), currently appear to overlap the subject-matter of present application claims 1-16 (Article 33(2) PCT).

- The disclosures of D3 (abstract ; claims 1, 11 ; column 16 lines 15-18 - "ethylene acrylic acid copolymer" ; column 16 line 55 - column 17 line 39 ; column 1 line 20 - column 25 line 7), currently appear to overlap the subject-matter of present application claims 1-16 (Article 33(2) PCT).