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(54) Title: METHOD FOR COATING A LOLLIPOP

(57) Abstract: The present invention relates to a method
for coating the head of a lollipop with a coating material,
wherein the lollipop is moved during coating.

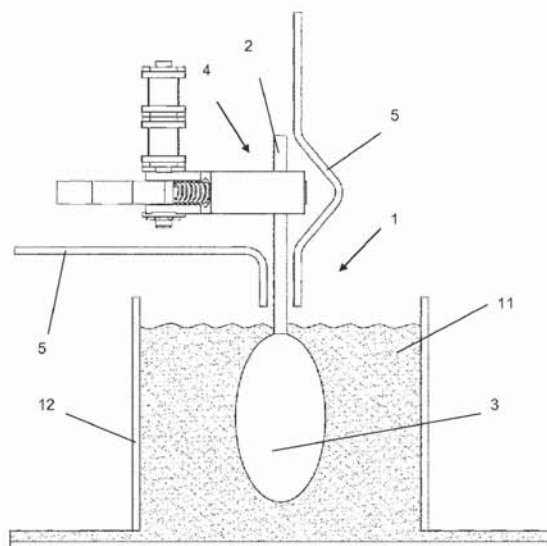


Fig. 1

PATENT COOPERATION TREATY

WFX/Jag

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

WOLFF, Felix
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EINGEGANGEN
10. Mai 2017
KUTZENBERGER WOLFF & PARTNER
FRIST:

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

04.05.2017

Applicant's or agent's file reference
CI0547-WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2016/060758

International filing date (day/month/year)
12.05.2016

Priority date (day/month/year)
01.06.2015

Applicant
GEA Food Solutions Weert B.V.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CI0547-WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2016/060758	International filing date (day/month/year) 12.05.2016	Priority date (day/month/year) 01.06.2015	
International Patent Classification (IPC) or national classification and IPC INV. A23G3/34			
Applicant GEA Food Solutions Weert B.V.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows: ☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). ☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). ☐ superseding sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)). b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in the form of an Annex C/ST.25 text file, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3ter of Annex C of the Administrative Instructions).			
4. This report contains indications relating to the following items: ☒ 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			
Date of submission of the demand 27.03.2017		Date of completion of this report 04.05.2017	
Name and mailing address of the international preliminary examining authority:  European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016		Authorized officer Boddaert, Peter Telephone No. +31 70 340-3471	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2016/060758

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
- ☒ 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 (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a) and (b))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-10 filed with the letter of

27-03-2017

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
5. ☐ This report has been established:
- ☐ taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
 - ☐ without taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91(Rules 66.4bis and 70.2(e)).

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2016/060758

6. ☒ With regard to top-up searches (Rules 66.1 *ter* and 70.2(f)):
- ☒ A top-up search was carried out by this Authority on 10.04.2017 (all discovered documents are listed in the Supplemental Box Relating to Top-up Search).
 - ☐ Additional relevant documents have been discovered during the top-up search.
 - ☐ No top-up search was carried out by this Authority because it would serve no useful purpose.
7. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

* If item 4 applies, some or all of those sheets may be marked "superseded".

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-10</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-10</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-10</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

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

Reference is made to the following documents:

- D1 BE 868 498 A2 (AQUARIUS COENRARDUS H) 16 October 1978
- D3 US 2 745 374 A (HARRY PIKAL) 15 May 1956 (1956-05-15)

Remark : Taking into account the amendments made to the original claims it appears that claim 2 is superfluous (so , 9 claims in total) and the claim dependencies should be revised.

Document D3, which is considered to represent the most relevant state of the art, discloses (col. 1-3 , claims , figures) a method for coating the head of a lollipop , wherein the lollipop comprises a head and a stick , with a coating material wherein the lollipop is moved during coating ; from which the subject-matter of claim 1 differs in that a powdery and/or granular coating material is provided as a bed, and in that the head of the lollipop is submerged into the coating material but only until the boundary between the stick and the head of the lollipop and that the coating material is moved during coating in the same direction as the transport direction of the lollipops.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as the provision of an improved method for coating the head of a lollipop with increased efficiency , avoiding soiling of the stick. Only the head gets coated with increased accuracy so that the stick gets as little of coating as possible. The head of the lollipop avoids being damaged during the coating.

In D3 no hint is given that would solve the problem. Also none of the other prior art documents (such as D1) would lead the skilled person to the solution stated above.

Thus the subject-matter of claim 1 also involves an inventive step (Article 33(3) PCT).
The dependent claims of claim 1 as such also meet the requirements of the PCT with respect to novelty and inventive step.

**KUTZENBERGER
WOLFF
PARTNER**Patentanwälte
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YOUR REFERENCE:

OUR REFERENCE:

DATE:

CI0547-WO/FWdj

March 27, 2017/dj

International application no. PCT/EP2016/060758 (WO 2016/192956 A1)
GEA Food Solutions Weert B. V.
»Method for coating a lollipop«

This is in response to the written opinion of the international searching authority dated August 5, 2016 and in addition to the demand for international preliminary examination:

Amendments

Please find enclosed a newly proposed set of patent claims. It is respectfully requested that international preliminary examination proceedings be based on the newly submitted set of claims enclosed herewith.

In the claims, the subject matters that the lollipop comprises a head and a stick as well as that the coating material is powdery and/or granular and that the coating material is provided as a bed has been added.

Furthermore, it has been added, that the head of the lollipop is submerged into the coating material, but only until the boundary between the stick and the head of the lollipop.

Furthermore, the subject matters of claim 1 have been further specified, that the coating material is moved in the same direction as the transport direction of the lollipop.

The original disclosure of those subject matters is on page 1, fifth paragraph, page 1, last paragraph as well as page 2, first paragraph.

Claim 1 is new, because none of the references cited by the examiner teach all subject matters of claim 1.

Claim 1 is not only novel but also inventive. Since none of the references teach for example, that the head of the lollipop is submerged into a bed of coating material and that the coating material is moved in the same direction as the transport direction of the lollipops, these references can neither alone nor in combination render claim 1 as non-inventive.

Conclusions

It is believed that by the above proposed considerations all objections raised in the written opinion should have been overcome. Therefore, the early issuance of a positive international preliminary report on patentability is respectfully solicited. However, in case that for some reasons the Examiner should not feel inclined to acknowledge patentability of the subject-matter of the independent claims, it is respectfully requested that an additional written opinion be issued in accordance with Rule 66.4 PCT and in the international preliminary report on patentability the dependent claims for which patentability can be acknowledged be identified, respectively.

Dr. Felix Wolff
European Patent Attorney
Kutzenberger Wolff & Partner
Association No. 636

Encl.:

New set of patent claims – with annotations
New set of patent claims – clean copy

Patent claims:

1. Method for coating the head (3) of a lollipop (1), wherein the lollipop comprises a head and a stick, with a powdery and/or granular coating material (11) which is provided as a bed, characterized in, that the lollipop is moved during coating and that the head of the lollipop is submerged into the coating material but only until the boundary between the stick and the head of the lollipop and that the coating material (11) is moved during coating in the same direction as the transport direction of the lollipops.
2. Method according to claim, characterized in, that the head (3) of the lollipop (1) is submerged into the coating material (11).
3. Method according to one of the preceding claims or the preamble of claim 1, characterized in, that the coating material is pressed against the head (3) of the lollipop (1).
4. Method according to one of the preceding claims, characterized in, that a stick (2) of the lollipop (1) is at least partially covered during coating.
5. Method according to one of the preceding claims or the preamble of claim 1, characterized in that the head (3) of the lollipop is wetted prior to coating, wherein the head (3) is submerged into a liquid (6).
6. Method according to one of the preceding claims or the preamble of claim 1, characterized in that excess coating material (14) is removed from the lollipop head (3) after coating.
7. Method according to one of the preceding claims, characterized in, that lollipop is dried after coating.
8. Method according to one of the preceding claims, characterized in that the lollipop (1) is permanently gripped at its stick during wetting and/or coating and/or drying and/or wrapping.

9. Method according to one of the preceding claims, characterized in, that the stick of the lollipop is vertical during wetting and/or coating and/or drying.
10. Method according to one of the preceding claims, characterized in, that the lollipop, preferably the head of the lollipop is wrapped.