

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference SBUX1.388WO	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2016/051345	International filing date (<i>day/month/year</i>) 12 September 2016	(Earliest) Priority Date (<i>day/month/year</i>) 18 September 2015	
Applicant STARBUCKS CORPORATION			
This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau. This international search report consists of a total of 8 sheets. ☐ It is also accompanied by a copy of each prior art document cited in this report.			
1. Basis of the report a. With regard to the language, the international search was carried out 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)). b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)). c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I. 2. ☐ Certain claims were found unsearchable (See Box No. II). 3. ☒ Unity of invention is lacking (See Box No. III). 4. With regard to the title, ☒ the text is approved as submitted by the applicant. ☐ the text has been established by this Authority to read as follows: 5. With regard to the abstract, ☒ the text is approved as submitted by the applicant. ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority. 6. With regard to the drawings, a. the figure of the drawings to be published with the abstract is Figure No. 1 ☒ as suggested by the applicant. ☐ as selected by this Authority, because the applicant failed to suggest a figure. ☐ as selected by this Authority, because this figure better characterizes the invention. b. ☐ none of the figures is to be published with the abstract.			

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
the subject matter listed in Rule 39 on which, under Article 17(2)(a)(i), an international search is not required to be carried out, including
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

See Supplemental Box for Details

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-25

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

 International application No.
PCT/US2016/051345

A. CLASSIFICATION OF SUBJECT MATTER

A47J 31/44 (2006.01)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WPIAP, EPODOC: IPC/CPCs - A47J, B67D, A47J31/44, A47J31/41, A47J31/462, A47J31/3633, A47J31/46, A47J31/3604, B67D1/0081; USPC Classes - 141/377, 41/378, 141/271; Keywords: CONTAINER, DISPENSE, RECEPTACLE, VESSEL, HOLDER, CANISTER, CUP, CHAMBER, SPOUT, OUTLET, NOZZLE, ROTATE, PIVOT, INVERT, FLIP, TWIST, HINGE, SWIVEL, POSITION, ORIENTATION, ANGLE, CLEAN, WASH, RINSE, FLUSH, VALVE, FIRST, INITIAL, UPRIGHT, VERTICAL, SECOND, DOWN, POUR, EJECT, EMPTY, TIP, PRESSURE, PUMP, FILL, FLOW, BOTTOM, UNDERNEATH, UPWARD, BELOW, BEVERAGE, WATER, COFFEE, DRINK, and similar terms.

Applicant/Inventor name search carried out in ESPACENET, AUSPAT and internal databases provided by IP Australia.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	Documents are listed in the continuation of Box C	



Further documents are listed in the continuation of Box C



See patent family annex

* "A"	Special categories of cited documents: document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E"	earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search 14 December 2016	Date of mailing of the international search report 14 December 2016
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA Email address: pct@ipaustalia.gov.au	Authorised officer Tom Banks AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. 0262832742

INTERNATIONAL SEARCH REPORT C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		International application No. PCT/US2016/051345
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 2353473 A1 (NESTEC S.A.) 10 August 2011 Figs 1-9, Paragraphs 0023, 0025, 0029-0030, 0032, 0040, 0042, 0061, 0063-0069, 0083 Figs 3, Paragraph 0025	1-19 22-23
X A	US 2008/223478 A1 (HANTSOO et al.) 18 September 2008 Figs 6-7, Paragraphs 0030, 0094 and 0098, abstract Figs 6-7, Paragraphs 0095-0096 and 0098	20-25 1-12, 14, 16
X A	US 8777182 B2 (SPRINGER) 15 July 2014 Col 1, lines 51-57, col 6, lines 59-61, col 8, lines 20-22, Fig 1 Col 1, lines 51-57, col 6, lines 59-61, Fig 1	20-25 1-12, 14, 16
A	US 2012/156337 A1 (STUDOR et al.) 21 June 2012 Figs 14-18, Paragraphs 0113-0114, 0141-0142	1-25

Supplemental Box**Continuation of: Box III**

This International Application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept.

This Authority has found that there are different inventions based on the following features that separate the claims into distinct groups:

- Claims 1-25 are directed to a dispensing unit. The features of fluid flow being dependant on a rotational position of the dispensing unit and the means to fill the dispensing unit with fluid from a port in the bottom of the dispensing unit, are specific to this group of claims.
- Claims 26-48 and claim 54 are directed to a container. The features of fluid flow being dependent on a state of engagement between the container and a base, and the means to fill the container with fluid from a port in the bottom of the container, are specific to this group of claims.
- Claims 49-53 are directed to a method of producing a heated and aerated liquid. The features of aerating a liquid and the means to fill the container with fluid from a port in the bottom of the container, are specific to this group of claims.

PCT Rule 13.2, first sentence, states that unity of invention is only fulfilled when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. PCT Rule 13.2, second sentence, defines a special technical feature as a feature which makes a contribution over the prior art.

When there is no special technical feature common to all the claimed inventions there is no unity of invention.

In the above groups of claims, the identified features may have the potential to make a contribution over the prior art but are not common to all the claimed inventions and therefore cannot provide the required technical relationship. The only feature common to all of the claimed inventions and which provides a technical relationship among them is the means to fill the dispensing unit or container with fluid from a port in the bottom of the dispensing unit or container.

However this feature does not make a contribution over the prior art because it is disclosed in:
US 2008/0223478 A1 (HANTSOO et al.) 18 September 2008

Therefore in the light of this document this common feature cannot be a special technical feature. Therefore there is no special technical feature common to all the claimed inventions and the requirements for unity of invention are consequently not satisfied *a posteriori*.

Because no additional search fees were paid, the International Search Report and the Written Opinion of the International Searching Authority was restricted to the invention claimed in claims 1 to 25. Consequently, the International Preliminary Examination must be likewise restricted, without the need to issue an invitation to so restrict it.

INTERNATIONAL SEARCH REPORT		International application No.	
Information on patent family members		PCT/US2016/051345	
This Annex lists known patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.			
Patent Document/s Cited in Search Report		Patent Family Member/s	
Publication Number	Publication Date	Publication Number	Publication Date
EP 2353473 A1	10 August 2011	EP 2353473 A1	10 Aug 2011
		AU 2011212496 A1	02 Aug 2012
		AU 2011212496 B2	12 Feb 2015
		CA 2786517 A1	11 Aug 2011
		CN 102753065 A	24 Oct 2012
		CN 102753065 B	15 Jun 2016
		EP 2531085 A1	12 Dec 2012
		EP 2531085 B1	21 Jan 2015
		IN 6346DEN2012 A	02 Oct 2015
		JP 2013518645 A	23 May 2013
		JP 5889211 B2	22 Mar 2016
		KR 20120121900 A	06 Nov 2012
		MX 2012008711 A	17 Aug 2012
		RU 2012137293 A	20 Mar 2014
		SG 182352 A1	30 Aug 2012
		US 2012305597 A1	06 Dec 2012
		US 9072406 B2	07 Jul 2015
		WO 2011095509 A1	11 Aug 2011
		ZA 201206549 B	26 Feb 2014
US 2008/223478 A1	18 September 2008	US 2008223478 A1	18 Sep 2008
US 8777182 B2	15 July 2014	US 2011121020 A1	26 May 2011
		US 8777182 B2	15 Jul 2014
		AU 2009249194 A1	26 Nov 2009
		AU 2009249194 B2	15 Mar 2012
		AU 2011207545 A1	09 Aug 2012
		AU 2011207545 B2	03 Jul 2014
		AU 2012362224 A1	24 Jul 2014
		AU 2012362224 B2	06 Oct 2016
		BR 112012017983 A2	03 May 2016
		CA 2723979 A1	26 Nov 2009
		CA 2787503 A1	28 Jul 2011
		CA 2862646 A1	07 Apr 2013
		CA 2924043 A1	26 Nov 2009
		CN 102099251 A	15 Jun 2011
		CN 102099251 B	01 Jul 2015

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

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INTERNATIONAL SEARCH REPORT		International application No.	
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Patent Document/s Cited in Search Report		Patent Family Member/s	
Publication Number	Publication Date	Publication Number	Publication Date
		CN 102803073 A	28 Nov 2012
		CN 102803073 B	24 Aug 2016
		CN 104118587 A	29 Oct 2014
		CN 104136361 A	05 Nov 2014
		CN 104136361 B	23 Nov 2016
		CN 104905631 A	16 Sep 2015
		EP 2285687 A1	23 Feb 2011
		EP 2285687 B1	16 Mar 2016
		EP 2526020 A1	28 Nov 2012
		EP 2526020 B1	20 Jul 2016
		EP 2797833 A1	05 Nov 2014
		EP 2797833 B1	03 Aug 2016
		EP 2957504 A1	23 Dec 2015
		EP 2993132 A1	09 Mar 2016
		IN 6134DEN2014 A	14 Aug 2015
		JP 2011520566 A	21 Jul 2011
		JP 5415527 B2	12 Feb 2014
		JP 2013517188 A	16 May 2013
		JP 5662479 B2	28 Jan 2015
		JP 2014040277 A	06 Mar 2014
		JP 2015510471 A	09 Apr 2015
		JP 2016064873 A	28 Apr 2016
		MX 2012008399 A	30 May 2013
		MX 2014008084 A	05 Aug 2015
		NZ 589747 A	27 Apr 2012
		NZ 598817 A	22 Feb 2013
		NZ 601287 A	25 Oct 2013
		NZ 604017 A	28 Mar 2014
		NZ 621685 A	25 Jul 2014
		NZ 626944 A	28 Aug 2015
		RU 2011103071 A	10 Aug 2012
		RU 2013146403 A	27 Apr 2015
		RU 2012134034 A	27 Feb 2014
		RU 2014128390 A	27 Feb 2016
		US 2011061764 A1	17 Mar 2011
		US 8763655 B2	01 Jul 2014
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.			

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Patent Document/s Cited in Search Report		Patent Family Member/s	
Publication Number	Publication Date	Publication Number	Publication Date
US 2012/156337 A1	21 June 2012	US 2013118639 A1	16 May 2013
		US 9284174 B2	15 Mar 2016
		US 2014332113 A1	13 Nov 2014
		US 9440835 B2	13 Sep 2016
		US 2014166524 A1	19 Jun 2014
		US 2016194105 A1	07 Jul 2016
		WO 2009143164 A1	26 Nov 2009
		WO 2011091047 A1	28 Jul 2011
		WO 2013102130 A1	04 Jul 2013
		US 2012156337 A1	21 Jun 2012
		CN 103596473 A	19 Feb 2014
		EP 2651270 A2	23 Oct 2013
		JP 2014502751 A	03 Feb 2014
		KR 20140020848 A	19 Feb 2014
		US 2012156344 A1	21 Jun 2012
		US 8515574 B2	20 Aug 2013
		US 2012156339 A1	21 Jun 2012
		US 8688277 B2	01 Apr 2014
		US 2012156343 A1	21 Jun 2012
		US 8996178 B2	31 Mar 2015
		US 2015164264 A1	18 Jun 2015
		WO 2012083194 A2	21 Jun 2012
End of Annex			
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001. Form PCT/ISA/210 (Family Annex)(July 2009)			