

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

23 MAR 2017

Applicant's or agent's file reference
803P002WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US16/68192

International filing date (day/month/year)

22 December 2016 (22.12.2016)

Priority date (day/month/year)

23 December 2015 (23.12.2015)

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

IPC - A01F25/14; B65D11/00; B65B25/04; B65D85/34; E05C19/10; E05C19/02 (2017.01)

CPC - A01F25/14; B65B25/04; B65B25/046; B65D85/34; B65D85/345; E05C1/145

Applicant
ARENA PACKAGING, 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 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/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-8300

Date of completion of this opinion

02 March 2017 (02.03.2017)

Authorized officer

Shane Thomas

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**WRITTEN OPINION OF THE
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Box No. I Basis of this 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 43*bis*.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 13*ter*.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 13*ter*.1(a)).
 - ☐ on paper or in the form of an image file (Rule 13*ter*.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:

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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

1. Statement

Novelty (N)	Claims	1-11	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-11	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims	NONE	NO

2. Citations and explanations:

Claim 1 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a first projection and a second projection extending transverse to an exterior surface of the at least one sidewall or endwall, a latch coupled to the door by at least one spring or a movable door having a latch mechanism comprising two clasps each containing catch mechanisms to secure the door to the two projection hooks when in a closed position. Further, the prior art does not teach or fairly suggest the first clasp and the second clasp being separated from another along the end or an actuation bar extending between the first clasp and the second clasp, and c) a bridge extending between the first clasp and the second clasp, and separated from the actuation bar.

As per claim 1, WO 2015/134067A1 to A. R. ARENA PRODUCTS (hereinafter ARENA) discloses a produce container (Abstract) having an interior (page 8, lines 14-16) for maintaining produce (page 8, lines 7-10), comprising: A) a base, two endwalls and two sidewalls (page 9, lines 6-12, figure 1), each of the endwalls and sidewalls being coupled to the base (page 9, lines 6-12, figure 1). B) a door movably coupled to the sidewall or endwall, the door movable from a closed position to an open position (door 40 is coupled to the sidewall 12 or endwall 11 and is movable from a closed position to an open position; page 17, lines 4-10). ARENA fails to disclose at least one of the sidewalls having a first projection and a second projection, each projection extending transverse to an exterior surface of the at least one sidewall or endwall, each projection comprising i) a hook and ii) an external surface opposite the hook including an external contact location having a tangent that is transverse to the wall, the hook extending in a direction away from the contact location, the contact location being disposed interiorly of the hook; C) a latch coupled to the door by at least one spring at an end of the door, the latch comprising a) a first clasp and a second clasp, each comprising i) a catch and ii) a binding arm connected to the catch and having a contact surface, for each clasp, the catch being separated from the contact surface by a distance so that a corresponding one the first projection and second projection fits between the catch and the contact surface when the door is in a closed position, the first clasp and the second clasp being separated from another along the end, b) an actuation bar extending between the first clasp and the second clasp, and c) a bridge extending between the first clasp and the second clasp, and separated from the actuation bar, the latch having a locked position in which the catches interface with their corresponding hooks to maintain the door in the closed position and prevent the external motion, and an unlocked position in which the door is externally movable from the closed position to the open position, the at least one spring biasing the latch into the locked position, and configured such that sufficient pressure on the actuation bar overcomes the biasing to move the catches to an unlocked position in which the catches do not interface with the corresponding hooks, thereby allowing the door to externally rotate to attain the open position, when the latch is in the locked position, each of the contact surfaces facing its corresponding contact location.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Continued from Box V: Citations and Explanations.

As per claim 1, US 6,203,077 A1 to SCHLACK discloses i) a hook (dog projection 102 (hook); figures 1, 3 and 5; column 4, lines 60-61) and ii) an external surface opposite the hook (lower edge of dog projection 102 are contact points 74 and 75; figures 3 and 5; column 4, lines 60-61) including an external contact location (contact points 74 and 75; figures 3 and 5; column 4, lines 60-61) having a tangent that is transverse to the wall (contact points 74 and 75 in relation to mounting surface 109; figures 3 and 5), the hook extending in a direction away from the contact location (dog projection directed away from mounting surface; figures 3 and 5; column 3, lines 57-59), the contact location being disposed interiorly of the hook (dog projection directed away from mounting surface (contact surface disposed interiorly of the hook); figures 3 and 5; column 3, lines 57-59); C) a latch coupled to the door (an over-center toggle latch for securing two members (container sidewall and door) together having a latch housing affixed to one of the members (door); Abstract) the latch comprising a) a first clasp (over-center toggle latch 10; figures 1 and 3-6) comprising i) a catch (toggle member 30 (catch) pivotally mounted within housing 20; figures 1 and 3-6; column 3, lines 15-14); ii) a binding arm connected to the catch (sidewalls 22 and 23, figures 1 and 3) and having a contact surface (sidewall 23 engages protruding male member 104, sidewall 22 engages contact point 74; figures 1 and 3) for the clasp, the catch (toggle member 34; figures 1 and 3) being separated from the contact surface by a distance so that a corresponding projection (projection bounded by protruding male member 104 and contact point 74; figures 1 and 3) fits between the catch (toggle member 34; figures 1 and 3) and the contact surface (sidewalls 22 and 23, figures 1 and 3) when the door is in a closed position (latch in closed position; figure 1; column 2, lines 39-40). SCHLACK fails to disclose at least one of the sidewalls having a first projection and a second projection, each projection extending transverse to an exterior surface of the at least one sidewall or endwall. SCHLACK also fails to disclose; C) a latch coupled to the door by at least one spring at an end of the door; a second clasp comprising i) a catch and ii) a binding arm connected to the catch and having a contact surface, for the clasp, the catch being separated from the contact surface by a distance so that a corresponding second projection fits between the catch and the contact surface when the door is in a closed position, the second clasp being separated from another along the end, b) an actuation bar extending between; the first clasp and the second clasp, and c) a bridge extending between the first clasp and the second clasp, and separated from the actuation bar, the latch having a locked position in which the catches interface with their corresponding hooks to maintain the door in the closed position and prevent the external motion, and an unlocked position in which the door is externally movable from the closed position to the open position, the at least one spring biasing the latch into the locked position, and configured such that sufficient pressure on the actuation bar overcomes the biasing to move the catches to an unlocked position in which the catches do not interface with the corresponding hooks, thereby allowing the door to externally rotate to attain the open position, when the latch is in the locked position, each of the contact surfaces facing its corresponding contact location.

As per claim 1, US 3,935,991 A1 to CRANE discloses a reinforced paperboard produce container (Abstract) having hook-forming projections (column 4, lines 60-63). There is no door disclosed by CRANE and the hook-forming projections are adapted to engage over and receive the opposed shoulders 33b formed by locking tabs 33a, projecting laterally from the end edges 33 of cover panels 30 (column 4, lines 60-65).

Thus, the teachings of ARENA, SCHLACK and CRANE alone or together fail to provide that the exterior surface of at least one sidewall or endwall has a first projection and a second projection extending transverse to the one sidewall or endwall, or a movable door has a latch mechanism comprising two clasps each containing catch mechanisms to secure the door to the two projection hooks when in a closed position. Further, the prior art does not teach or fairly suggest the first clasp and the second clasp being separated from another, along the end or an actuation bar extending between the first clasp and the second clasp, and c) a bridge extending between the first clasp and the second clasp, and separated from the actuation bar.

Claims 2-10 meet the criteria set out in PCT Article 33(2)-(3), because they depend from positive claim 1.

Claim 11 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a projection extending, transverse to an exterior surface of the at least one sidewall or endwall or a latch coupled to the door by a spring wherein the spring bias the latch into the locked position when the door is in the closed position, and sufficient pressure on the latch overcoming the biasing to move the catch to an unlocked position in which it does not interface with the hook, thereby allowing the door to attain the open position, when the latch is in the locked position, the contact surface facing the contact location.

As per claim 11, ARENA discloses a produce container (Abstract) having an interior (page 8, lines 14-16) for maintaining produce (page 8, lines 7-10), comprising: A) a base, two endwalls and two sidewalls (page 9, lines 6-12, figure 1) that are each coupled to the base (page 9, lines 6-12, figure 1); B) a door movably coupled to the at least one of the sidewalls or endwalls, the door movable from a closed position to an open position (door 40 is coupled to the sidewall 12 or endwall 11 and is movable from a closed position to an open position; page 17, lines 4-10). ARENA fails to disclose at least one of the endwalls and sidewalls having a projection extending transverse to an exterior surface of the at least one of the endwalls and sidewalls, the projection comprising i) a hook extending from a surface thereof and ii) an exterior surface opposite the hook including an external contact location having a tangent that is transverse to the at least one of the endwalls and sidewalls, the hook extending in a direction away from the contact surface, the contact location being disposed interiorly of the hook; C) a latch, coupled to the door by a spring, the latch comprising i) a catch and ii) a binding arm connected to the catch and having a contact surface, the contact surface separated from the catch by a distance such that the projection fits between the catch and the contact surface when the door is in the closed position, the latch having a locked position in which the catch interfaces with the hook to maintain the door in the closed position, and an unlocked position in which the door is movable from the closed position to the open position, the spring biasing the latch into the locked position when the door is in the closed position, and sufficient pressure on the latch overcoming the biasing to move the catch to an unlocked position in which it does not interface with the hook, thereby allowing the door to attain the open position, when the latch is in the locked position, the contact surface facing the contact location.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
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As per claim 11, US 6,203,077 A1 to SCHLACK discloses i) a hook (dog projection 102 (hook); figures 1, 3 and 5; column 4, lines 60-61) and ii) an external surface opposite the hook (lower edge of dog projection 102 are contact points 74 and 75; figures 3 and 5; column 4, lines 60-61) including an external contact location (contact points 74 and 75; figures 3 and 5; column 4, lines 60-61) having a tangent that is transverse to the wall (contact points 74 and 75 in relation to mounting surface 109; figures 3 and 5), the hook extending in a direction away from the contact location (dog projection directed away from mounting surface; figures 3 and 5; column 3, lines 57-59), the contact location being disposed interiorly of the hook (dog projection directed away from mounting surface (contact surface disposed interiorly of the hook); figures 3 and 5; column 3, lines 57-59); C) a latch coupled to the door (an over-center toggle latch for securing two members (container sidewall and door) together having a latch housing affixed to one of the members (door); Abstract) the latch comprising i) a catch (toggle member 30 (catch) pivotally mounted within housing 20; figures 1 and 3-6; column 3, lines 15-14) and ii) a binding arm connected to the catch and having a contact surface (sidewalls 22 and 23, figures 1 and 3), the contact surface separated from the catch by a distance such that the projection fits between the catch and the contact surface (projection bounded by protruding male member 104 and contact point 74; figures 1 and 3) when the door is in the closed position (latch in closed position; figure 1; column 2, lines 39-40), the latch having a locked position in which the catch interfaces with the hook to maintain the door in the closed position (latch in closed position; figure 1; column 2, lines 39-40), and an unlocked position in which the door is movable from the closed position to the open position (pivotal movement of toggle member 30 about pin 31 allows door to be opened; figure 3; column 3, lines 18-20). SCHLACK fails to disclose at least one of the endwalls and sidewalls having a projection extending transverse to an exterior surface of the at least one of the endwalls and sidewalls. SCHLACK also fails to disclose; a latch coupled to the door by a spring; the spring biasing the latch into the locked position when the door is in the closed position, and sufficient pressure on the latch overcoming the biasing to move the catch to an unlocked position in which it does not interface with the hook, thereby allowing the door to attain the open position, when the latch is in the locked position, the contact surface facing the contact location.

As per claim 11, US 3,935,991 A1 to CRANE discloses a reinforced paperboard produce container (Abstract) having hook-forming projections (column 4, lines 60-63). There is no door disclosed by CRANE and the hook-forming projections are adapted to engage over and receive the opposed shoulders 33b formed by locking tabs 33a, projecting laterally from the end edges 33 of cover panels 30 (column 4, lines 60-65).

Thus, the teachings of ARENA, SCHLACK and CRANE alone or together fail to provide that the exterior surface of at least one sidewall or endwall has a projection extending transverse to the one sidewall or endwall, a latch coupled to the door by a spring; the spring biasing the latch into the locked position when the door is in the closed position, and sufficient pressure on the latch overcoming the biasing to move the catch to an unlocked position in which it does not interface with the hook, thereby allowing the door to attain the open position, when the latch is in the locked position, the contact surface facing the contact location.

Claims 1-11 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.