

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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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/US2016/066819	International filing date (day/month/year) 15.12.2016	Priority date (day/month/year) 21.12.2015
International Patent Classification (IPC) or both national classification and IPC INV. B65D33/01 B65D81/26 B65D75/58 ADD. B65D81/22 B65D75/00		
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 Duc, Emmanuel 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. 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>1-15</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-15</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-15</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Reference is made to the following documents:

- D1 US 5 971 613 A (BELL GARY M [US]) 26 October 1999 (1999-10-26)
- D2 US 5 709 479 A (BELL GARY M [US]) 20 January 1998 (1998-01-20)
- D3 WO 2014/181129 A1 (MARS INC [US]; WICKS DAVID [GB]) 13 November 2014 (2014-11-13)
- D4 US 5 785 428 A (MAZZOCCHI RANDOLPH A [US]) 28 July 1998 (1998-07-28)

Re Item V

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

- 1 D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses (column 3, line 1 - column 14, line 22; figure 4):
 - A pouch (150) comprising:
 - a pouch body (152, 154) formed from a first flexible film and comprising a front wall (152) and a rear wall (154), the front wall and the rear wall each comprising a first end (158), a second end (162), and side edges (164, 166) connecting the first end and the second end, wherein the rear wall is adhered to the front wall at corresponding first ends to form a first end seal and corresponding side edges to form side seals;
 - a collapsible perforated (170) folded panel (168) formed from a second flexible film and attached to the front wall and the rear wall at interior portions of the front wall and the rear wall, respectively, such that the attachment of the collapsible perforated folded panel to the front wall and the rear wall define a pouch chamber; and
 - an opening seal (180) disposed between the collapsible perforated folded panel and the second ends of the front wall and the rear wall, wherein the opening seal adheres the second end of the front wall to the second end of the rear wall which thereby conceals the collapsible perforated folded panel (168),
 - wherein release or removal of the opening seal (180) is operable to expose the collapsible perforated folded panel by separating the front

wall from the rear wall along the second ends and application of a pull force to the second end of the front wall and to the second end of the rear wall is operable to outwardly expand the collapsible perforated folded panel (168) to allow draining of liquid or dispensing of dry power or flakes from the pouch chamber.

The subject-matter of claim 1 therefore differs from this known pouch in that it includes the following distinguishing features:

- the collapsible perforated folded panel comprises a release member extending outside the pouch chamber, wherein application of a pull force to the release member is operable to release the collapsible perforated folded panel from at least one of the front wall or the rear wall.

The problem to be solved by the present invention may be regarded as to facilitate the removal of the collapsible perforated folded panel to gain access to the interior of the package.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because none of the prior art documents and no combination of prior art documents would lead or suggest the man skilled in the art to provide these distinguishing features in a pouch like the one known from D1.

Although D1 discloses (page 8, lines 31, 32) a portion (179) of the collapsible perforated folded panel (168) extending below the seal (177) outside the pouch chamber, D1 can not be considered as disclosing or suggesting a release member extending outside the pouch chamber, wherein application of a pull force to the release member is operable to release the collapsible perforated folded panel from at least one of the front wall or the rear wall.

- 2 Claims 2-15 are dependent on one or more independent claims whose subject-matter is considered as being new and inventive, as discussed above, and as such said dependent claims also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

- 1 The features of these claim are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1-D3 is not mentioned in the description, nor are these documents identified therein.