

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43*bis*.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
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International application No. PCT/US2018/048499	International filing date (day/month/year) 29.08.2018	Priority date (day/month/year) 31.08.2017
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International Patent Classification (IPC) or both national classification and IPC INV. B65D33/01

Applicant DOW GLOBAL TECHNOLOGIES LLC
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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 43*bis*.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 66.1*bis*(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 Balz, Oliver 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>1-8</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>6-8</u>
	No: Claims	<u>1-5</u>
Industrial applicability (IA)	Yes: Claims	<u>1-8</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

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

- 1 Reference is made to the following documents:
 - D1 WO 2017/003859 A1 (DOW GLOBAL TECHNOLOGIES LLC [US]) 5 January 2017 (2017-01-05)
 - D2 WO 2015/057053 A1 (SIN SHENG KUANG M SDN BHD [MY]) 23 April 2015 (2015-04-23)
 - D3 EP 0 700 839 A1 (CIF SA [FR]) 13 March 1996 (1996-03-13)
- 2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claim 1 does not involve an inventive step.
 - 2.1 D1 may be regarded as being the prior art closest to the subject-matter of claim 1, and discloses (see figure 15-18) :

A flexible bag comprising:
opposing flexible films (22, 24) composed of a polymeric material (see paragraph 85), the flexible films defining a common peripheral edge;
a microcapillary strip (10) located between the opposing flexible films and extending along a portion of the common peripheral edge;
a peripheral seal (44) extending along at least a portion of the common peripheral edge, the peripheral seal sealing the microcapillary strip between the opposing flexible films;
the peripheral seal forming a closed compartment;
 - 2.2 The subject-matter of claim 1 therefore differs from this known bag in that it contains an amount of a flowable solid particulate material (FSPM) in the storage compartment. Since the microcapillary strip in D1 is identical with the strip of the application, it allows to exhaust or degas residual air within the bag regardless the content of the bag. The application states (see paragraph 95) that the strip allow to degas or exhaust residual air even when all channels of the strip are collapsed or crushed, this is the case in D1, too (see paragraph 127). Since D1 is suitable to contain FSPM, the subject-matter of claim 1 is not involving an inventive step.

- 2.3 In case the applicant considers that the strip of claim 1 is different with regard to the strip of D1, the subject-matter of claim 1 is not clear since essential would be missing.
- 3 Dependent claims 2-5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see e.g;
claim 2, 3: size and content of bags are constructional details which are obvious for the skilled person;
claim 4: see paragraph 79, 85.
- 4 The combination of the features of dependent claims 6-8 is neither known from, nor rendered obvious by, the available prior art.
- 5 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 is not mentioned in the description, nor is this document identified therein.
- 6 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).