

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: PEARL COHEN ZEDEK LATZER BARATZ Azrieli Sarona Tower P.O. Box 7198 Tel Aviv 6107121 Israel		Date of mailing <i>(day/month/year)</i> 21 Feb 2021 FOR FURTHER ACTION See paragraph 2 below	
Applicant's or agent's file reference P-585773-PC1			
International application No. PCT/IL2020/051185	International filing date <i>(day/month/year)</i> 16 Nov 2020	Priority date <i>(day/month/year)</i> 01 Jan 2020	
International Patent Classification (IPC) or both national classification and IPC IPC (20210101) F17C 5/06 F17C 13/06 CPC (20130101) F17C 5/06 F17C 2205/0373 F17C 2205/0382 F17C 13/06			
Applicant SODASTREAM INDUSTRIES LTD.			

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: Israel Patent Office Technology Park, Bldg.5, Malcha, Jerusalem, 9695101, Israel Email address: pctoffice@justice.gov.il	Date of completion of this opinion 14 Feb 2021	Authorized officer Kozliner Yaniv Telephone No. 972-73-3927246
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL2020/051185

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(b))
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:

**WRITTEN OPINION OF THE
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International application No.
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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 <u>1-19</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-19</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-19</u>	YES
	Claims _____	NO

2. Citations and explanations:

2.1. Reference is made to the following documents:

D1: FR2922294 (A1) (MUSSOT) — 2009-04-17

Reference to D1 is based upon a machine translation produced by Espacenet (to be found at the following address):

http://translationportal.epo.org/emtp/translate/?ACTION=description-retrieval&COUNTRY=FR&ENGINE=google&FORMAT=docdb&KIND=A1&LOCALE=en__EP&NUMBER=2922294&OPS=ops.epo.org/3.2&SRCLANG=fr&TRGLANG=en

D2: US2012006828 (A1) (FRENAL et al.) — 2012-01-12

2.2. Allowable subject matter

Notwithstanding and subjected to the observations remarked at Box VIII it is determined that the subject-matter of **Claims 1-19** seems to meet the requirements of **Article 33(2) and 33(3) PCT** with respect to novelty and inventive step.

· Referring to Claim 1:

Document D1 is considered as the closest prior art and discloses

An adapter (removable junction part 12) for a canister filling system comprising:
a body comprising:

an opening that is shaped to enable insertion of a valve (plug 1) of a gas canister (container 2) for holding a pressurized or liquefied gas, into an interior space (intermediate chamber 11) of the body, leaving a sealed gap between at least a portion of a lateral aspect of the valve and an internal surface of the body facing the interior space (see Fig.2: intermediate chamber 11 is sealed by seal 10); and

at least one channel (conduit 14) that is configured to conduct pressurized or liquefied gas from a canister filling system into the sealed gap in the interior space, so as to reach one or more exterior ports of the valve of the gas canister, when the valve is inserted in the interior space, to facilitate filling of the gas canister with the pressurized or liquified gas through

said one or more exterior ports of the gas canister (see translation pdf: P.3 L.16-19).

However, neither D1 nor other document cited in the search report describes or suggest alone or in combination an adapter which is configured to adapt to a gas canister valve having two oppositely oriented lateral exterior ports that open laterally to a longitudinally axis of a body of the gas canister.

It is maintained that said differentiating feature is involving an inventive step, as it enables fluidic connection of pressurized gas between a standard filling head of a gas canister filling line to a valve which is particularly designed to minimized (close to zero) the net thrust generated, that would tend to separate the canister valve from a connector of the carbonating machine, by release of gas via a pair of oppositely oriented exterior ports.

Therefore, notwithstanding and subjected to the observations remarked at Box VIII, the subject matter of this claim is considered to be new and inventive.

· Referring to Claim 12:

The same reasoning mentioned above regarding the apparatus claim 1 applies mutatis mutandis to the subject-matter of the corresponding method claim 12 which therefore is also considered to be new and inventive.

· Referring to Claims 2-11 and 13-19:

These claims all depend directly or indirectly from claim 1 or 12, therefore they are also considered to be new and inventive.

2.3. The subject-matter of claims 1-19 is considered to be industrially applicable under Article 33(4) PCT.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear for the following reasons:

The definition: "at least one channel that is configured..., so as to reach one or more lateral exterior ports of the valve of the gas canister...", defines the invention by the desired result and effect instead of providing the technical features necessary for achieving the result. For purpose of establishing search opinion, the examiner interpreted the subject matter claimed according to the description (see paragraphs 190, 200; Figs. 14C, 15B, 17-18) as if it includes the following essential features: two longitudinal channels 162 deliver the pressurized gas inward within each radial channel 164 to oppositely oriented lateral exterior ports of the canister valve.

since independent claim 1 does not contain these features, it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

Furthermore, it should be noted, that contrary to the definition in claim 1: "...one or more lateral exterior ports", it is clear from the description that the gas canister valve must include at least two oppositely oriented exterior lateral ports in order to obtain its objective, as defined in Par. 77: "...release of gas aimed laterally and substantially equally spaced about the perimeter of the valve (e.g., two ports on substantially opposite sides), to generate minimal (e.g., approximately zero) thrust in a direction away from the connector" (see also: Par. 103-104).