

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

De Vries & Metman
Overschiestraat 180
1062 XK Amsterdam
PAYS-BAS

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing (day/month/year) 9 December 2022 (09-12-2022)
Applicant's or agent's file reference WO35496-Vb/Lb	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/EP2022/073360	International filing date (day/month/year) 22 August 2022 (22-08-2022)
Applicant PERFO KNOWLEDGY B.V.	

- ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
How? Directly to the International Bureau preferably through ePCT, or on paper to:
 The International Bureau of WIPO, 34 chemin des Colombettes, 1211 Geneva 20, Switzerland
For more detailed instructions, see the *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.
- ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
- ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
 - ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
- Reminders**
 The applicant may **submit comments on an informal basis on the written opinion of the International Searching Authority** to the International Bureau. These comments will be made available to the public after international publication. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established.
 Shortly after the expiration of **18 months from the priority date, the international application will be published** by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).
 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for **entry into the national phase** before those designated Offices. In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months. For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.
 Within **22 months from the priority date, the applicant may request that a supplementary international search be carried out** by a different International Searching Authority that offers this service (Rule 45bis.1). The procedure for requesting supplementary international search is described in the *PCT Applicant's Guide*, International Phase, paragraphs 8.006-8.032.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer KURZBAUER, Katja Tel: +49 (0)89 2399-6020
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference WO35496-Vb/Lb	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2022/073360	International filing date (<i>day/month/year</i>) 22 August 2022 (22-08-2022)	(Earliest) Priority Date (<i>day/month/year</i>) 15 October 2021 (15-10-2021)
Applicant PERFO KNOWLEDGY B.V.		

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 4 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. _____
- ☐ 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

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2022/073360

A. CLASSIFICATION OF SUBJECT MATTER INV. B65D81/20 B65D81/24 B65D85/34 B65D85/50 A23B7/148 B65B25/04 B65B61/02 ADD. 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) B65D B65B A23B 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) EPO-Internal, WPI Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6 441 340 B1 (VARRIANO-MARSTON ELIZABETH [US]) 27 August 2002 (2002-08-27) cited in the application column 7, lines 64-67 column 17, line 63 - column 18, line 25 figure 6 -----	1-15
A	EP 2 294 923 A1 (VISSER MEDIA PRODUCTIES [NL]) 16 March 2011 (2011-03-16) cited in the application paragraphs [0054] - [0055] ----- -/-	1-15
☒ Further documents are listed in the continuation of Box C. ☒ See patent family annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "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) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "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 "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 "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 "&" document member of the same patent family		
Date of the actual completion of the international search 23 November 2022		Date of mailing of the international search report 09/12/2022
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016		Authorized officer Leijten, René

INTERNATIONAL SEARCH REPORT

International application No

PCT/EP2022/073360

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 97/22470 A1 (EXXON CHEMICAL PATENTS INC [US]; EMPIRE FILMS DEV COMPANY [US]) 26 June 1997 (1997-06-26) cited in the application page 5, paragraph 3 page 7, paragraph 4 page 8, paragraph 6 page 9, paragraph 4 page 15; table 1 page 20, paragraph 2-4 page 23, paragraph 5 -----	1-15
A	Anonymous: "BOPE Takes Aim at BOPP & BOPET Films Plastics Technology", / 7 March 2020 (2020-03-07), XP055937054, Retrieved from the Internet: URL:https://www.ptonline.com/blog/post/bop e-takes-aim-at-bopp-bopet-films- [retrieved on 2022-06-30] the whole document -----	1-15
A	WO 2020/251358 A1 (PERFO TEC B V [NL]) 17 December 2020 (2020-12-17) claims 1,4,5,7,11,12 -----	8-10,14

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/EP2022/073360

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 6441340	B1	27-08-2002	US 6441340 B1 27-08-2002
			US 7083837 B1 01-08-2006
			US 2003029850 A1 13-02-2003
EP 2294923	A1	16-03-2011	NONE
WO 9722470	A1	26-06-1997	AU 1336997 A 14-07-1997
			BR 9612068 A 28-12-1999
			CA 2239549 A1 26-06-1997
			EP 0876250 A1 11-11-1998
			HU 0001641 A2 28-09-2000
			JP 2002515923 A 28-05-2002
			KR 20000064446 A 06-11-2000
			NZ 326083 A 28-01-1999
			PL 327143 A1 23-11-1998
			WO 9722470 A1 26-06-1997
WO 2020251358	A1	17-12-2020	AU 2020292104 A1 27-01-2022
			BR 112021024180 A2 11-01-2022
			CA 3139472 A1 17-12-2020
			CL 2021003206 A1 22-07-2022
			CN 114007941 A 01-02-2022
			CO 2021018022 A2 17-01-2022
			EC SP22000757 A 29-04-2022
			EP 3983308 A1 20-04-2022
			IL 288817 A 01-02-2022
			JP 2022536636 A 18-08-2022
			PE 20220212 A1 01-02-2022
			US 2022306369 A1 29-09-2022
			WO 2020251358 A1 17-12-2020

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

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/EP2022/073360

International filing date (day/month/year)
22.08.2022

Priority date (day/month/year)
15.10.2021

International Patent Classification (IPC) or both national classification and IPC
INV. B65D81/20 B65D81/24 B65D85/34 B65D85/50 A23B7/148 B65B25/04 B65B61/02

Applicant
PERFO KNOWLEDGY B.V.

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

Leijten, René

Telephone No. +49 89 2399-0



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.
 - b. ☐ furnished subsequent to the international filing date for the purposes of international search (Rule 13ter.1(a)),
 - ☐ accompanied by a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed.
4. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established to the extent that a meaningful opinion could be formed without a WIPO Standard ST.26 compliant sequence listing.
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. 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:

see separate sheet

Re Item V

1 The applicant has requested to have the present application processed under PCT Direct (PCT-EPO Guidelines B-IV, 1.2.1). Account taken of the applicant's comments submitted with the PCT Direct letter of 22.08.2022, this Authority considers that the claims meet the requirements of the PCT (Articles 33(2) and (3) PCT).

2 Reference is made to the following documents:

D1 US 6 441 340 B1

D3 WO 97/22470 A1

3 INDEPENDENT CLAIM 1

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and shows (the references in parentheses applying to this document):

A package (a sealed bag in example 5) for preserving respiring produce contained in the package (broccoli in example 5) wherein the package defines a package volume for containing a portion of the produce and a package atmosphere, which comprises:

- ~~- a packaging material which comprises a Biaxially Oriented Poly Ethylene (BOPE) or a Mono Directed Oriented poly Ethylene (MDOPE)-containing polymer film with a haze of at most 10, preferable at most 5, more preferably at most 3, and most preferably at most 2, as determined by ASTM D 1003,~~
- said polymer film being provided with one or more perforations enabling gas exchange with the atmosphere surrounding the package to form the package into a Controlled Atmosphere Package (CAP); wherein:
- the package has a package carbon dioxide transmission rate (C02TRpack)

-wherein the one or more perforations provide a perforation carbon dioxide transmission rate (C02TRperf) such that the package carbon dioxide transmission rate (C02TRpack) is the sum of the perforation carbon dioxide transmission rate (C02TRperf) and the material carbon dioxide transmission rate (C02TRmat) of the packaging material (C02TRpack = C02TRperf + C02TRmat) and wherein

~~the C02TRpack is at least 1000 ml/24 hrs per 100 gram produce to be packed, preferably at least 1500 ml/24 hrs, more preferably at least 2000 ml/24hrs, most preferred at least 2500 ml/24 hrs.~~

(col. 7, lines 64-67; col. 17, line 63 - col. 18, line 25 (example 5); figure 6)

The subject-matter of claim 1 differs from this known D1 in that:

- (i) a packaging material which comprises a Biaxially Oriented Poly Ethylene (BOPE) or a Mono Directed Oriented poly Ethylene (MDOPE)-containing polymer film with a haze of at most 10, preferable at most 5, more preferably at most 3, and most preferably at most 2, as determined by ASTM D 1003;
- (ii) the C02TRpack is at least 1000 ml/24 hrs per 100 gram produce to be packed, preferably at least 1500 ml/24 hrs, more preferably at least 2000 ml/24hrs, most preferred at least 2500 ml/24 hrs.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem(s) to be solved can be considered to be:

- (i) finding an alternative sustainable film material which can be easily recycled, which allows the use of relative thin films and which provides a desired transparency;
- (ii) finding a package which provides an improved shelf-life for the packed produce compared to conventional packing materials such as biaxially oriented polypropylene (BOPP) or polyethylene (PE).

Alternative sustainable film materials are known from D3 which teaches the use of oriented PE (BOPE in this case) as a sustainable alternative for films used to manufacture packages for fresh produce. D3 discloses such BOPE films can have a haze between 0 and 5 measured with ASTM D 1003 (see page 6, par. 6

and page 15, Table 1) and that such films are suitable for fresh produce (see page 23, par. 5). However, D3 does not disclose the second distinguishing feature (CO₂TRpack is at least 1000 ml/24 hrs per 100 gram produce to be packed) and therefore the combination of D1 with D3 does not lead to a package as defined in claim 1.

In the example 5 disclosed in D1 1.36 kg of broccoli is packed in a sealed bag having a CO₂TR for the base film of 13.950 ml/(m².24 h), said CO₂TR for the base film can be considered to be the CO₂TRmat.

However, for example 5 the surface of the bag is not disclosed. In case the bag would be of the same size as the bag of the example 4 (25.4 cm x 40.6 cm) the surface of the pack would be 0.206 m². This CO₂TRpack would be 2.874 ml per 24 h and per 100 gram broccoli would be 211 ml per 24 h, which would not be in the range as defined in claim 1.

None of the relevant prior art documents seem to disclose or suggest a package for respiring produce wherein the CO₂TRpack at least 1000 ml/24 hrs per 100 gram produce to be packed.

Furthermore, the examples provided in Table IV and discussed on page 25, line 16 - page 26, line 3 show that not only the CO₂TRpack of at least 1000 ml/24 hrs per 100 gram produce to be packed is sufficient to achieve the desired result. The examples 36-39 with BOPP have the required CO₂TRpack, but do not sufficiently improve the shelf-life of the produce. Therefore, the features distinguishing claim 1 from the package known from D1 seem to provide a synergetic effect which does not seem to be disclosed in the prior art.

4 INDEPENDENT CLAIM 12

Notwithstanding the lack of clarity (see **Re Item VIII**), the same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 12, which therefore is also considered to be new and to involve an inventive step (Article 33(2) and (3) PCT).

5 DEPENDENT CLAIMS 2-11, 13-15

Dependent claims 2-11 and 13-15 are dependent on claims 1 and 12 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step (Article 33(2) and (3) PCT).

Re Item VIII

LACK OF CLARITY, Article 6 PCT

- 1 With the letter of 22.08.2022 the applicant filed an annotated set of claims, numbered 1-15, wherein claim 12 is the independent method claim. However, the non-annotated set of claims filed by the applicant on the same day does only comprise 14 claims, because the independent method claim has not been numbered.

- 2 With the letter of 22.08.2022 the applicant explained the typo made in the priority document and that the parameter should correctly be ml/24 h and not ml/m².24 h. For the annotated set of claims filed with the letter, this mistake has been corrected for independent claim 1, however, this typo is still present in independent method claim 12. In the non-annotated set of claims this typo has been corrected for the non-numbered independent method claim. It is assumed that the non-annotated non-numbered independent method claim is the correct claim.

Information on Search Strategy - Pilot phase (see OJ 2015, A86)

The type of information contained in this sheet may change during the pilot for improving the usefulness of this new service.

Application Number

PCT/EP2022/073360**TITLE: PACKAGE FOR PRESERVING RESPIRING PRODUCE AND METHOD****APPLICANT: PERFO KNOWLEDGY B.V.****IPC CLASSIFICATION: B65D81/20, B65D81/24, B65D85/34, B65D85/50, A23B7/148, B65B25/04, B65B61/02****EXAMINER: Leijten, René****CONSULTED DATABASES: NPL, WPI****CLASSIFICATION SYMBOLS DEFINING EXTENT OF THE SEARCH:****IPC:****CPC: B65D81/2076, B65D81/2084, B65D81/24, B65D85/34, B65D85/345, B65D85/505, B65D2565/388, B65D85/52, B65D81/263, B65B25/041, B65B61/02, A23B7/148, A23B7/152****FI/F-TERMS:****KEYWORDS OR OTHER ELEMENTS FEATURING THE INVENTION:**

Package for respiring products wherein the material is formed from BOPE or MDOPE, is provided with microperforations and and has CO₂TR of at least 1000ml per day per 100 gram of product.

Bitte beachten Sie, dass angeführte Nichtpatentliteratur (wie z. B. wissenschaftliche oder technische Dokumente) je nach geltendem Recht dem Urheberrechtsschutz und/oder anderen Schutzarten für schriftliche Werke unterliegen könnte. Die Vervielfältigung urheberrechtlich geschützter Texte, ihre Verwendung in anderen elektronischen oder gedruckten Publikationen und ihre Weitergabe an Dritte ist ohne ausdrückliche Zustimmung des Rechtsinhabers nicht gestattet.

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Please be aware that cited works of non-patent literature such as scientific or technical documents or the like may be subject to copyright protection and/or any other protection of written works as appropriate based on applicable laws. Copyrighted texts may not be copied or used in other electronic or printed publications or re-distributed without the express permission of the copyright holder.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO/ISA)

General information

For all international applications, the competent International Searching Authority (**ISA**) will establish an international search report (**ISR**) accompanied by a written opinion of the International Searching Authority (**WO/ISA**). The **WO/ISA** may be responded to by

- filing informal comments with the **International Bureau of WIPO (IB)** (where no demand for international preliminary examination (**demand**) is filed)
- filing amendments under Art. 19 PCT (this can be done whether or not a **demand** is filed)
- filing amendments under Art. 34 PCT and/or formal observations in response to objections raised in the **WO/ISA** (where a **demand** is actually filed)

This document explains these possibilities.

Filing informal comments

After receipt of the **ISR and WO/ISA**, the applicant may file informal comments on the **WO/ISA, directly with the IB** (see International Search and Preliminary Examination Guidelines 2.15). These will be communicated to the designated/elected Offices, together with the International Preliminary Report on Patentability (**IPRP**) at 30 months from the priority date.

Amending claims under Art. 19 PCT

The applicant may file **amended claims** under Art. 19 PCT, **directly with the IB** by the later of the following dates:

- 2 months from the date of mailing of the **ISR** and the **WO/ISA**
- 16 months from the priority date

However, any such amendment received by the **IB** after the expiration of the applicable time limit shall be **considered to have been received on time** by the **IB**, if it reaches it **before** the technical preparations for international publication have been completed (the 15th day prior to the date of publication, see PCT Applicant's Guide, International Phase, 9.013).

For further information, please see Rule 46 PCT as well as form PCT/ISA/220.

Please also note that, when filing amended claims under Art. 19 PCT, such amendments shall be **accompanied by a letter** identifying the amendments made and also the basis for the amendments in the application as originally filed (Rule 46.5(b) PCT). Where a **demand** is filed, failure to comply with this requirement may result in the amendments being ignored in the International Preliminary Examination Report (**IPER**), see Rule 70.2(c-bis) PCT.

Filing a demand for international preliminary examination

In principle, the **WO/ISA** will be considered to be the written opinion of the International Preliminary Examining Authority (**IPEA**). Where the **WO/ISA** issued by the **EPO** as **ISA** gives a positive opinion on the international application and the invention to which it relates, filing a **demand** with the **EPO** as **IPEA** would normally be unnecessary, since a positive IPRP would anyway be established by the **IB** based on the **WO/ISA** (see also further below).

If the applicant wishes to file a **demand** (for example, to allow him to argue his case in international preliminary examination with regard to objections raised in a negative **WO/ISA** before the **IPEA** issues an **IPER**), this must be done before expiration of **3 months after the date of mailing of the ISR and WO/ISA** or **22 months after priority date**, whichever expires later (Rule 54*bis* PCT). Amendments under Art. 34 PCT can be filed with the **IPEA**, normally at the same time as filing the demand (Rule 66.1(b) PCT) or within the time limit set for reply to any written opinion issued during international preliminary examination by the **IPEA**.

If a **demand** is filed at the **EPO** as **IPEA** and no comments/amendments have been received by the time the **EPO** starts drawing up the **IPER** (Rule 66.4*bis* PCT), the **WO/ISA** will be transformed by the **IPEA** into an **IPER** (also called the **IPRP (Chapter II)** which would merely reflect the content of the **WO/ISA** (OJ 10/2011, 532). The **demand** can still be withdrawn (Art. 37 PCT).

Please also note that, when filing amendments under Art. 34 PCT, such amendments shall be accompanied by a letter which identifies the amendments made and also the basis for the amendments in the application as originally filed (Rule 66.8(a) PCT). Failure to comply with this requirement may result in the amendments being ignored in the **IPER (IPRP (Chapter II))**, see Rule 70.2(c-*bis*) PCT.

Filing a request for supplementary international search

The applicant may, with the **IB**, file a request for **supplementary international search** under Rule 45*bis*.1 PCT. The present **ISR** and **WO/ISA** may also be taken into account in the execution of that supplementary international search, provided that these are available to the Authority charged with this task before it starts the supplementary search (Rule 45*bis*.5 PCT).

This kind of request **cannot be filed specifying the ISA** who did the **international search**.

More information on this topic can be found in the **PCT Applicant's Guide**, Chapter 8 (<http://www.wipo.int/pct/en/guide/ip08.html>).

End of the international phase

Where no **demand** is filed, at the end of the international phase, the **IB** will transform the **WO/ISA** into the **IPRP (PCT Chapter I)** (Rule 44*bis* PCT), which will then be transmitted together with possible informal comments to the designated Offices. Where a demand is filed, the **WO/ISA** is not transformed into an **IPRP (Chapter I)** by the **IB**, but rather the **IPEA** will establish an **IPER**, (the **IPER** is the same as the **IPRP (PCT Chapter II)**, see Rule 70.15 PCT).
