

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

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| 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<br>see form PCT/ISA/220                                                                                      |                                                          | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below |
| International application No.<br>PCT/US2022/049000                                                                                                 | International filing date (day/month/year)<br>04.11.2022 | Priority date (day/month/year)<br>05.11.2021       |
| International Patent Classification (IPC) or both national classification and IPC<br>INV. C03B7/00 C03B9/16 C03B9/193 C03B9/353 C03B9/41 G05B19/00 |                                                          |                                                    |
| Applicant<br>OWENS-BROCKWAY GLASS CONTAINER INC.                                                                                                   |                                                          |                                                    |

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:<br><br>European Patent Office<br>P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk - Pays Bas<br>Tel. +31 70 340 - 2040<br>Fax: +31 70 340 - 3016 | Date of completion of<br>this opinion<br><br>see form<br>PCT/ISA/210 | Authorized Officer<br><br>Marrec, Patrick<br><br>Telephone No. +31 70 340-0 |
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**Box No. I Basis of the opinion**

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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:

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**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**

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1. Statement

|                               |             |             |
|-------------------------------|-------------|-------------|
| Novelty (N)                   | Yes: Claims | <u>1-25</u> |
|                               | No: Claims  |             |
| Inventive step (IS)           | Yes: Claims | <u>1-25</u> |
|                               | No: Claims  |             |
| Industrial applicability (IA) | Yes: Claims | <u>1-25</u> |
|                               | No: Claims  |             |

2. Citations and explanations

**see separate sheet**

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**Box No. VII    Certain defects in the international application**

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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 5 931 982 A (LOVELL WALTER E [US] ET AL) 3 August 1999  
                 (1999-08-03)
- D2            US 4 273 568 A (SCHOLL JOHN J ET AL) 16 June 1981 (1981-06-16)

### **Item V**

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

1

D1 relates to a glass forming IS machine comprising a blank mold and a finishing mold. D1 can hence be regarded as being the prior art closest to the subject-matter of claim 1. It discloses in particular a glass forming individual section machine, comprising:

- a machine frame (11, 11A, figure 17) having a glass gob loading axis (Z');
- a traversable blank side (figures 1-3, 6, 7, 16, 16A), including a blank mold (12) configured to form a glass gob into a parison and having a blank mold vertical axis (V<sub>1</sub>).

The subject-matter of claim 1 therefore differs from this known IS machine in that it further comprises:

- a mold carriage movably carried on the machine frame and coupled to the traversable blank side to linearly translate the traversable blank side toward the glass gob loading axis to align the blank mold vertical axis with the glass gob loading axis and to linearly translate the traversable blank side away from the glass gob loading axis.

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

The technical effect associated with the difference of technical features is a simpler apparatus requiring less lubrication.

The problem to be solved by the present invention may be regarded as how to reduce the lubrication requirements of an IS machine and how to simplify existing IS machines in terms of equipment (see description paragraph 26).

In the state of the art, it is known to translate blank mold towards and away the gob falling axis. However, this is only known for glass forming machines of the carousel type and/or of the end-less chain type (see D2 for example of such machine). As these types of machines are totally different from the IS ones there is no reason for the skilled person to incorporate such translation mechanism in an IS machine. Moreover, developing an IS machine with a translational mold requires a complete redesign of the machine. Consequently the skilled person has no incentive to go in this direction.

The subject-matter of claim 1 is therefore regarded as involving an inventive step (Art 33(3) PCT).

2

Claim 22 relates to a method of loading a glass gob in an IS machine comprising the step of moving a traversable blank mold to the falling gob direction.

Hence, the same reasoning as for claim 1 applies to claim 22 which is therefore also considered as novel and inventive.

3

Claims 2-21 and 23-25 are dependent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.

## **Item VII**

### **Certain defects in the international application**

1

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