

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

BURR & FORMAN LLP
101 South Tryon Street, Suite 2610
Charlotte NC 28280
ETATS-UNIS D'AMERIQUE

PCT

WRITTEN OPINION OF THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year)

25.06.2025

Applicant's or agent's file reference
067481-00303-23-P-0076-WO

REPLY DUE
within 2 month(s) from the above date of mailing

International application No.
PCT/US2024/039802

International filing date (day/month/year)
26.07.2024

Priority date (day/month/year)
27.07.2023

International Patent Classification (IPC) or both national classification and IPC
INV. B32B3/26

Applicant
Berry Global, Inc.

- ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.
- This second 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 66.2(a)(ii) with regard to novelty, inventive step or 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
- The applicant is hereby **invited to reply** to this opinion.
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).
How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 55.3 and 66.8.
Also: For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.
If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 27.11.2025

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0

Authorized Officer

Weiss, Felix

Telephone No. +31 70 340-3936



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 (under Rules 12.3(a) and 23.1(b)).
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a) and (b))
2. With regard to the elements of the international application, this opinion has been established on the basis of
(*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-18 filed in electronic form on 17-05-2025

Drawings, Sheets

1/6-6/6 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
4. ☐ This opinion has been established as if (some of) the amendments listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
5. ☐ 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 66.1(d-bis)).
 - ☐ without taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 66.4bis).

6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this opinion (Rule 45*bis*.8(b) and (c)).

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	No:	Claims
Inventive step (IS)	No:	Claims 1-18
Industrial applicability (IA)	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

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 US 2022/111616 A1 (MUSLET IYAD [US] ET AL) 14 April 2022
(2022-04-14)

D2 US 2007/249253 A1 (ANGELI PIERO [IT] ET AL) 25 October 2007
(2007-10-25)

D3 WO 2012/036600 A1 (SCA HYGIENE PROD AB [SE]; FLOBERG
PER [SE] ET AL.) 22 March 2012 (2012-03-22)

2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of independent claims 1 and 15 does not involve an inventive step. Document D1 is regarded as being the prior art closest to the subject-matter of claims 1 and 15 and discloses a method of making a non-stranded elastomeric laminate comprising the steps of joining an elastomeric melt extruded film to at least one nonwoven substrate by means of point-bonding to create bond sites having a distance of from about 3 mm to about 10 mm from each adjacent bond site; and, stretching (activating) the laminate by means of cross-directional intermeshing to create an intermeshed laminate comprising rugosities, i.e. deformed portions that project outwardly from an x-y plane. (paragraph [0048] - paragraph [0053]; paragraph [0005] - paragraph [0007]; paragraph [0027]; paragraph [0042]; claims 1-20; paragraph [0057] - paragraph [0058]; paragraph [0044]; paragraph [0030]). The subject-matter of claims 1 and 15 therefore differs from this known point bonded extrusion laminate and method in that the first plurality of discrete bond sites define a first bonded area from 5 to 40% and is therefore new.

As no surprising technical effect has been demonstrated due to this difference, the problem to be solved by the present invention may be regarded as to provide an alternative point bonded extrusion laminate and corresponding method.

The solution proposed in claims 1 and 15 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons: Document D1 does not disclose any value of an area of discrete bond sites and does not discuss any effects of the area of discrete bond sites. Also in

view of the ambiguous definition of said technical feature (cf. item VIII), the skilled person would provide a method and point bonded extrusion laminate as claimed.

- 3 Dependent claims 2-14 and 16-18 do not contain any features which, in combination with claim 1 meet the requirements of the PCT in respect of novelty and/or inventive step. Document D1 discloses the additional features of claims 2-6, 8-10, 12 and 13, document D2 discloses the additional features of claims 2-5, 9, 10 and 12, document D3 discloses the additional features of claims 2-5, 8-10, 12 and 13. The additional features of claims 7, 11, 14 and 16-18 have not been demonstrated to lead to any surprising technical effect and the problem to be solved may be formulated as to provide an alternative laminate or article. As said additional features are common, the skilled person would provide a laminate or article according to claims 7, 11, 14 and 16-18 without exercising inventive skills.

Re Item VIII

Certain observations on the international application

- 4 The percentages in claim 1 relating to a first bonded area are defined without any reference. The bonded area could be intended to be set in relation to the surface of the first nonwoven layer or the elastic film, which results in ambiguity rendering the claim unclear under Article 6 PCT.
- 5 The term film coverage employed in claim 11 is not common and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear under Article 6 PCT.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

To:

JOHNSON, John, E., III
BURR & FORMAN LLP
101 South Tryon Street, Suite 2610
Charlotte NC 28280
ETATS-UNIS D'AMERIQUE

Date of mailing
(day/month/year)

14.10.2025

Applicant's or agent's file reference
067481-00303-23-P-0076-WO

IMPORTANT NOTIFICATION

International application No.
PCT/US2024/039802

International filing date (day/month/year)
26.07.2024

Priority date (day/month/year)
27.07.2023

Applicant
Berry Global, Inc.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0

Authorized Officer

Almalé Murillo, J

Tel. +49 89 2399-8059



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 067481-00303-23-P-0076-WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US2024/039802	International filing date (day/month/year) 26.07.2024	Priority date (day/month/year) 27.07.2023	
International Patent Classification (IPC) or national classification and IPC INV. B32B3/26			
Applicant Berry Global, Inc.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ a total of <u>8</u> sheets, as follows: ☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). ☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). ☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)). b. ☐ a separate electronic file containing a sequence listing (<i>sent to the International Bureau only</i>)			
4. This report contains indications relating to the following items: ☒ Box No. I Basis of the report ☐ 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 Article 35(2) with regard to novelty, inventive step or 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			
Date of submission of the demand 27.05.2025		Date of completion of this report 14.10.2025	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0		Authorized officer Weiss, Felix Telephone No. +31 70 340-3936 	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2024/039802

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - ☒ 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 (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a) and (b))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-18 filed in electronic form on 27-05-2025

Drawings, Sheets

1/6-6/6 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 5. ☐ This report has been established:
 - ☐ taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
 - ☐ without taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91(Rules 66.4bis and 70.2(e)).

6. ☒ With regard to top-up searches (Rules 66.1 *ter* and 70.2(f)):
- ☒ A top-up search was carried out by this Authority on 19.06.2025 (all discovered documents are listed in the Supplemental Box Relating to Top-up Search).
 - ☐ Additional relevant documents have been discovered during the top-up search.
 - ☐ No top-up search was carried out by this Authority because it would serve no useful purpose.
7. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

* If item 4 applies, some or all of those sheets may be marked "superseded".

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-18</u>
Industrial applicability (IA)	Yes: Claims	<u>1-18</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

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

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 US 2022/111616 A1 (MUSLET IYAD [US] ET AL) 14 April 2022
(2022-04-14)

D2 US 2007/249253 A1 (ANGELI PIERO [IT] ET AL) 25 October 2007
(2007-10-25)

D3 WO 2012/036600 A1 (SCA HYGIENE PROD AB [SE]; FLOBERG
PER [SE] ET AL.) 22 March 2012 (2012-03-22)

2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of independent claims 1 and 15 does not involve an inventive step. Document D1 is regarded as being the prior art closest to the subject-matter of claims 1 and 15 and discloses a method of making a non-stranded elastomeric laminate comprising the steps of joining an elastomeric melt extruded film to at least one nonwoven substrate by means of point-bonding to create bond sites having a distance of from about 3 mm to about 10 mm from each adjacent bond site; and, stretching (activating) the laminate by means of cross-directional intermeshing to create an intermeshed laminate comprising rugosities, i.e. deformed portions that project outwardly from an x-y plane. (paragraph [0048] - paragraph [0053]; paragraph [0005] - paragraph [0007]; paragraph [0027]; paragraph [0042]; claims 1-20; paragraph [0057] - paragraph [0058]; paragraph [0044]; paragraph [0030]). The subject-matter of claims 1 and 15 therefore differs from this known point bonded extrusion laminate and method in that the first plurality of discrete bond sites define a first bonded area from 5 to 40% and is therefore new.

As no surprising technical effect has been demonstrated due to this difference, the problem to be solved by the present invention may be regarded as to provide an alternative point bonded extrusion laminate and corresponding method.

The solution proposed in claims 1 and 15 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons: Document D1 does not disclose any value of an area of discrete bond sites and does not discuss any effects of the area of discrete bond sites. Also in

view of the ambiguous definition of said technical feature (cf. item VIII), the skilled person would provide a method and point bonded extrusion laminate as claimed.

- 3 Dependent claims 2-14 and 16-18 do not contain any features which, in combination with claim 1 meet the requirements of the PCT in respect of novelty and/or inventive step. Document D1 discloses the additional features of claims 2-6, 8-10, 12 and 13, document D2 discloses the additional features of claims 2-5, 9, 10 and 12, document D3 discloses the additional features of claims 2-5, 8-10, 12 and 13. The additional features of claims 7, 11, 14 and 16-18 have not been demonstrated to lead to any surprising technical effect and the problem to be solved may be formulated as to provide an alternative laminate or article. As said additional features are common, the skilled person would provide a laminate or article according to claims 7, 11, 14 and 16-18 without exercising inventive skills.

Re Item VIII

Certain observations on the international application

- 4 The percentages in claim 1 relating to a first bonded area are defined without any reference. The bonded area could be intended to be set in relation to the surface of the first nonwoven layer or the elastic film, which results in ambiguity rendering the claim unclear under Article 6 PCT.
- 5 The term film coverage employed in claim 11 is not common and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear under Article 6 PCT.

IN THE EUROPEAN PATENT OFFICE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

APPLICANT:	BERRY GLOBAL, INC.
INTERNATIONAL APPLICATION NO.:	PCT/US2024/039802
INTERNATIONAL FILING DATE:	26 JULY 2024
TITLE:	POINT BONDED EXTRUSION LAMINATES

Authorized Officer: Felix Weiss

European Patent Office
D-80298 Munich

RESPONSE TO THE FIRST
WRITTEN OPINION ON PRELIMINARY EXAMINATION

Dear Officer Weiss:

This communication is in response to the Written Opinion, dated 12 November 2024, from the International Search Authority (ISA). Applicants have submitted herewith amendments under Article 34, as described more fully below, to correct certain defects in the claims and to more particularly distinguish the claimed invention from the cited references. In addition and as also described more fully below, Applicants have provided remarks explaining the patentability of the claimed invention to overcome the defects noted in the Written Opinion. Applicants respectfully request reconsideration in light of these amendments and remarks and issuance of a favorable International Preliminary Report on Patentability.

In accordance with the Article 34 amendments, independent claims 1 and 15 have each been amended to recite the first plurality of discrete bond sites define a first bonded area from 5 to 40% and a first bond pattern between the first nonwoven layer and the first side of the elastic film. Support for these amendments can be found throughout the present application including, for example, original claim 7 and page 9, lines 19-22. Independent claim 1 has also been amended to recite that at least a portion of the first nonbonded portions comprise deformed portions that project outwardly from an x-y plane. Support for these amendments can be found throughout the present application including, for example, page 8, line 33-page 9, line 18.

New dependent claim 16 has been added and recites that the method comprising melt extruding and laminating in a single step. Support for these amendments can be found throughout the present application including, for example, page 3, line 29 – page 4, line 10.

New dependent claim 17 has been added and recites that the PEL has an elongation at break from 250 to 500%, such as at least any of the following: 250, 280, 300, 320, and 350%, and/or at most any of the following: 500, 480, 450, 420, 400, 380, and 350%. Support for these amendments can be found throughout the present application including, for example, page 11, lines 6-12.

New dependent claim 18 has been added and recites that the PEL has an elongation at break (%)–to-basis weight (gsm) ratio from 4 to about 10, such as at least any of the following: 4, 4.2, 4.5, 4.8, 5, 5.2, 5.5, 5.8, and 6, and/or at most any of the following: 10, 9.5, 9, 8.5, 8, 7.5, 7, 6.5, and 6. Support for these amendments can be found throughout the present application including, for example, page 11, lines 6-12.

A “marked-up” copy of the claims has been provided to easily identify the claim amendments. A clean copy of the amended claims is also provided with this response.

For the reasons provided below, Applicants respectfully submits that amended independent claims 1 and 15 (as well as all dependent claims) as set forth in the clean copy of the amended claims, as submitted under Article 34 on even date herewith, are patentable over the cited references.

REMARKS

The Written Opinion finds that The Written Opinion finds that claims 1-6, 8-10, 12-13, and 15 lack novelty, while all claims (i.e., claims 1-15) lack inventive step.

In particular, the Written Opinion argues that each of US 2022/111616 (D1), US 2007/249253 (D2), and WO 2012/036600 (D3) anticipate independent claims 1 and 15, while the dependent claims do not appear to include any patentable subject matter.

At the outset, Applicant notes that the Examiner acknowledges that the cited art does not expressly teach the bonded area formed between the first nonwoven layer and the elastic film. This subject matter has been incorporated into each independent claim.

D1 does not teach all aspects of the currently pending independent claims.

D2 is directed to an elastic laminate in which the nonwoven fabric is pre-bonded with a specific bonding pattern having groups of closely clustered bond sites separated by large areas of nonbonded regions. These nonwoven fabrics may be point bonded to an elastic film. D2 does not teach the recited bonded area formed between the first nonwoven layer and the elastic film. Additionally, D2 does not appear to teach at least a portion of the first nonbonded portions comprise deformed portions that project outwardly from an x-y plane as evident by the example laminate illustrated by Figure 7 and the lack of any narrative expressly describing such a feature.

D3 is directed to an elastic laminate comprising an elastic film and a nonwoven fabric, in which the bonding pattern between the elastic film and the nonwoven fabric includes “bands” of unbonded areas. D3 teaches that the nonwoven fabric is bonded to the elastic film while the elastic film is in a stretched state, such that when the elastic film is allowed to relax the nonwoven fabric gathers in areas between bond sites. These “gathered” portions, however, are not deformed portions as claimed (e.g., such as from activation).

Applicant submits that the currently presented claims are patentable over the currently cited prior art.

CONCLUSION

All of the points raised by the ISA and Written Opinion have now been addressed by clear and proper amendments to the claims of the pending application. Accordingly, Applicants respectfully request that a favorable International Preliminary Report on Patentability indicate the same.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "John E. Johnson, III".

John E. Johnson, III
Attorney for Applicant
Burr & Forman LLP
101 South Tryon Street, Suite 2610
Charlotte, NC 28280
Tel (704) 347-6479
Fax (704) 347-4467

Docket No.: 067481/00303/23-P-0076-WO

CLEAN CLAIMS

THAT WHICH IS CLAIMED:

1. A point bonded extrusion laminate (PEL), comprising:
 - (a) a first nonwoven layer;
 - (b) an elastic film;
 - (c) a first plurality of discrete bond sites bonding the first nonwoven layer to a first side of the elastic film, wherein the first plurality of discrete bond sites define a first bonded area from 5 to 40% and a first bond pattern between the first nonwoven layer and the first side of the elastic film; and
 - (d) first nonbonded portions of the first nonwoven layer located between the first plurality of discrete bond sites, wherein the first nonbonded portions of the first nonwoven layer are not bonded to the first side of the elastic film, and wherein at least a portion of the first nonbonded portions comprise deformed portions that project outwardly from an x-y plane.
2. The PEL of claim 1, further comprising a second nonwoven layer, wherein the elastic film is located between the first nonwoven layer and a second nonwoven layer.
3. The PEL of claim 2, further comprising a second plurality of discrete bond sites bonding the second nonwoven layer to a second side of the elastic film, wherein the plurality of second discrete bond sites define a second bonded area and a second bond pattern between the second nonwoven layer and the second side of the elastic film, and second nonbonded portions of the second nonwoven layer located between the second plurality of discrete bond sites, wherein the second nonbonded portions of the second nonwoven layer are not bonded to the second side of the elastic film.

CLEAN CLAIMS

4. The PEL of claim 3, wherein the first nonwoven layer, the second nonwoven layer, or both comprise a spunbond nonwoven, a carded nonwoven, a meltblown nonwoven, a hydroentangled nonwoven, or any combination thereof.

5. The PEL of claim 4, wherein the first nonwoven layer, the second nonwoven layer, or both comprise a basis weight from about 3 to about 50 gsm, such as at least about any of the following: 3, 5, 9, 10, 12, and 15 gsm, and/or at most about 50, 45, 40, 35, 30, 25, 20, and 15 gsm

6. The PEL of claims 3-5, wherein at least a portion of the first nonbonded portions, the second nonbonded portions, or both comprise deformed portions that project outwardly from an x-y plane, wherein the deformed portions have an average height of about 1 to about 10 mm such as at least about any of the following: 1, 2, 3, 4, and 5 mm, and/or at most about any of the following: 10, 9, 8, 7, 6, and 5 mm.

7. The PEL of claims 3-6, wherein the first bonded area, the second bonded area, or both comprise from about 5 to about 40%, such as at least about any of the following: 5, 6, 8, 10, 12, 15, 18, and 20%, and/or at most about any of the following: 40, 38, 35, 32, 30, 28, 25, 22, and 20% .

8. The PEL of claims 1-7, wherein the elastic film comprises an average thickness from about 10 to about 300 microns, such as at least about any of the following: 10, 15, 20, 50, 80, 100, 120, and 150 microns, and/or at most about any of the following: 300, 250, 200, and 150 microns.

9. The PEL of claim 8, wherein the elastic film comprises from 1 to about 8 individual layers, such as at least about any of the following: 1, 2, 3, and 4 layers, and/or at most about any of the following: 8, 7, 6, 5, and 4 layers.

CLEAN CLAIMS

10. The PEL of claims 1-9, wherein the PEL is devoid of an adhesive.
11. The PEL of claims 1-10, wherein PEL has a film coverage of at least about 80%, such as at least about any of the following: 80, 85, and 90% and/or at most about any of the following: 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, and 90%.
12. A disposable absorbent article, comprising: a disposable diaper including at least one component thereof comprising a PEL according to any one of claims 1-11.
13. The article of claim 12, wherein the at least one component thereof comprises an elastic ear, a panel, or a waistband.
14. The article of claim 13, wherein (A) the disposable diaper comprises (i) a longitudinal direction and a transverse direction; (ii) a longitudinal centerline and a transverse centerline; (iii) an anterior region, a posterior region, and a central region positioned between the anterior region and the posterior region; (iv) a pair of elastic ear panels, the pair of elastic ear panels extending outwardly from transversely opposite side edges of the posterior region and comprising the PEL; or (B) the disposable diaper comprises (i) a longitudinal direction and a transverse direction; (ii) a longitudinal centerline and a transverse centerline; and (iii) an anterior region, a posterior region, and a central region positioned between the anterior region and the posterior region; wherein the at least one of the anterior region and the posterior region have a waist portion comprising the PEL.
15. A method of making a point bonded extrusion laminate (PEL), comprising:
 - (a) providing or forming a first nonwoven layer;

CLEAN CLAIMS

(b) melt extruding an elastic film onto the first nonwoven layer;

(c) laminating the elastic film onto the first nonwoven layer by passing the elastic film and the first nonwoven layer through a roller nip comprising a point bond nip roll to form an intermediate material, wherein the point bond nip roll includes a first plurality of discrete protrusions that form a first plurality of discrete bond sites between the first nonwoven layer and a first side of the elastic film, and wherein the first plurality of discrete bond sites define a first bonded area from 5 to 40% and a first bond pattern between the first nonwoven layer and the first side of the elastic film, and wherein first nonbonded portions of the first nonwoven layer located between the first plurality of discrete bond sites are not bonded to the first side of the elastic film; and

(d) activating the intermediate material to form the PEL, wherein activating the intermediate material forms deformed portions that project outwardly from an x-y plane.

16. The method of claim 15, wherein the method comprising melt extruding and laminating in a single step.

17. The PEL of claims 1-11, wherein the PEL has an elongation at break from 250 to 500%, such as at least any of the following: 250, 280, 300, 320, and 350%, and/or at most any of the following: 500, 480, 450, 420, 400, 380, and 350%.

18. The PEL of claims 1-11 or 17, wherein the PEL has an elongation at break (%) -to-basis weight (gsm) ratio from 4 to about 10, such as at least any of the following: 4, 4.2, 4.5, 4.8, 5, 5.2, 5.5, 5.8, and 6, and/or at most any of the following: 10, 9.5, 9, 8.5, 8, 7.5, 7, 6.5, and 6.

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PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

Johnson, Iii John E.
BURR & FORMAN LLP
101 South Tryon Street, Suite 2610
Charlotte NC 28280
ETATS-UNIS D'AMERIQUE

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)		12 November 2024 (12-11-2024)
Applicant's or agent's file reference 067481-00303-23-P-0076-WO	FOR FURTHER ACTION	See paragraphs 1 and 4 below
International application No. PCT/US2024/039802	International filing date (day/month/year)	26 July 2024 (26-07-2024)
Applicant BERRY GLOBAL, INC.		

1. ☒ 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.

2. ☐ 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.

3. ☐ **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.

4. **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	Authorized officer OBERHAUSER, Andrea Tel: +49 (0)89 2399-8139
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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 067481-00303-23-P-0076-WO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2024/039802	International filing date (day/month/year) 26 July 2024 (26-07-2024)	(Earliest) Priority Date (day/month/year) 27 July 2023 (27-07-2023)
Applicant BERRY GLOBAL, INC.		

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. 1
☒ 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/US2024/039802

A. CLASSIFICATION OF SUBJECT MATTER					
INV.	B32B3/26	A61F13/15	B32B3/28	B32B5/02	B32B7/05
	B32B7/09	B32B25/10	B32B27/12		
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)					
B32B A61F					
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.
X	US 2022/111616 A1 (MUSLET IYAD [US] ET AL) 14 April 2022 (2022-04-14) paragraph [0048] - paragraph [0053] paragraph [0005] - paragraph [0007] paragraph [0027] paragraph [0042] claims 1-20 paragraph [0057] - paragraph [0058] paragraph [0044] paragraph [0030] ----- - / - -				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			"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		
"E" earlier application or patent but published on or after the international filing date			"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		
"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)			"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		
"O" document referring to an oral disclosure, use, exhibition or other means			"&" document member of the same patent family		
"P" document published prior to the international filing date but later than the priority date claimed					
Date of the actual completion of the international search			Date of mailing of the international search report		
4 November 2024			12/11/2024		
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 Weiss, Felix		

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2024/039802

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2007/249253 A1 (ANGELI PIERO [IT] ET AL) 25 October 2007 (2007-10-25) paragraph [0054] paragraph [0062] paragraph [0002] claims 1-25 paragraph [0031] paragraph [0003] -----	1 - 15
X	WO 2012/036600 A1 (SCA HYGIENE PROD AB [SE]; FLOBERG PER [SE] ET AL.) 22 March 2012 (2012-03-22) claims 1-18 -----	1 - 15

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2024/039802

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2022111616 A1	14-04-2022	CN 116437884 A	14-07-2023
		JP 2023545441 A	30-10-2023
		KR 20230088401 A	19-06-2023
		US 2022111616 A1	14-04-2022
		WO 2022081351 A1	21-04-2022

US 2007249253 A1	25-10-2007	US 2007249253 A1	25-10-2007
		WO 2007127730 A2	08-11-2007

WO 2012036600 A1	22-03-2012	NONE	

Information on Search Strategy

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

Application Number

PCT/US2024/039802

TITLE: POINT BONDED EXTRUSION LAMINATES

APPLICANT: BERRY GLOBAL, INC.

IPC CLASSIFICATION: B32B3/26, A61F13/15, B32B3/28, B32B5/02, B32B7/05, B32B7/09, B32B25/10, B32B27/12

EXAMINER: Weiss, Felix

CONSULTED DATABASES: EPODOC, WPI

CLASSIFICATION SYMBOLS DEFINING EXTENT OF THE SEARCH:

IPC:

CPC: B32B3/26, A61F13/15699, B32B3/28, B32B5/022, B32B7/05, B32B7/09, B32B25/10, B32B27/12, B32B2555/02

FI/F-TERMS:

KEYWORDS OR OTHER ELEMENTS FEATURING THE INVENTION:

A point bonded extrusion laminate (PEL), comprising: (a) a first nonwoven layer; (b) an elastic film; (c) a first plurality of discrete bond sites bonding the first nonwoven layer to a first side of the elastic film, wherein the first plurality of discrete bond sites define a first bonded area and a first bond pattern between the first nonwoven layer and the first side of the elastic film; and (d) first nonbonded portions of the first nonwoven layer located between the first plurality of discrete bond sites, wherein the first nonbonded portions of the first nonwoven layer are not bonded to the first side of the elastic film.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

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/US2024/039802

International filing date (day/month/year)
26.07.2024

Priority date (day/month/year)
27.07.2023

International Patent Classification (IPC) or both national classification and IPC
INV. B32B3/26 A61F13/15 B32B3/28 B32B5/02 B32B7/05 B32B7/09 B32B25/10 B32B27/12

Applicant
BERRY GLOBAL, 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:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Weiss, Felix

Telephone No. -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>7, 11, 14</u>
	No: Claims	<u>1-6, 8-10, 12, 13, 15</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-15</u>
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

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 US 2022/111616 A1 (MUSLET IYAD [US] ET AL) 14 April 2022 (2022-04-14)
 - D2 US 2007/249253 A1 (ANGELI PIERO [IT] ET AL) 25 October 2007 (2007-10-25)
 - D3 WO 2012/036600 A1 (SCA HYGIENE PROD AB [SE]; FLOBERG PER [SE] ET AL.) 22 March 2012 (2012-03-22)
- 2 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of independent claims 1 and 15 is not new.
 - 2.1 Document D1 discloses a method of making a non-stranded elastomeric laminate comprising the steps of joining an elastomeric melt extruded film to at least one nonwoven substrate by means of point-bonding to create bond sites having a distance of from about 3 mm to about 10 mm from each adjacent bond site; and, stretching (activating) the laminate by means of cross-directional intermeshing to create an intermeshed laminate comprising rugosities (paragraph [0048] - paragraph [0053]; paragraph [0005] - paragraph [0007]; paragraph [0027]; paragraph [0042]; claims 1-20; paragraph [0057] - paragraph [0058]; paragraph [0044]; paragraph [0030]). Document D1 anticipates the subject-matter of independent claims 1 and 15.
 - 2.2 Documents D2 (paragraph [0054]; paragraph [0062]; paragraph [0002]; claims 1-25; paragraph [0031]; paragraph [0003]) and D3 (claims 1-18) respectively disclose a point bonded extrusion laminate, comprising at least one nonwoven layer and an an elastic film, the laminate comprising a plurality of discrete bond sites bonding the nonwoven layer to a first side of the elastic film, wherein the plurality of discrete bond sites define a first bonded area and a first bond pattern between the first nonwoven layer and the first side of the elastic film; and nonbonded portions of the first nonwoven layer located between the first plurality of discrete bond sites, wherein the nonbonded portions of the first nonwoven layer are not bonded to the first side of the elastic film. Documents D2 and D3 anticipate the subject-matter of independent claim 1.

- 3 Dependent claims 2-14 do not contain any features which, in combination with claim 1 meet the requirements of the PCT in respect of novelty and/or inventive step. Document D1 discloses the additional features of claims 2-6, 8-10, 12 and 13, document D2 discloses the additional features of claims 2-5, 9, 10 and 12, document D3 discloses the additional features of claims 2-5, 8-10, 12 and 13. The additional features of claims 7, 11 and 14 have not been demonstrated to lead to any surprising technical effect and the problem to be solved may be formulated as to provide an alternative laminate or article. As said additional features are common, the skilled person would provide a laminate or article according to claims 7, 11 or 14 without exercising inventive skills.

Re Item VIII

Certain observations on the international application

- 4 The percentages in claim 7 relating to a first bonded area are defined without any reference, rendering the claim unclear under Article 6 PCT.
- 5 The term film coverage employed in claim leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear under Article 6 PCT.

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 **IPEP**), 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 **IPEP** (Rule 66.4*bis* PCT), the **WO/ISA** will be transformed by the **IPEA** into an **IPEP** (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 **IPEP (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 **IPEP**, (the **IPEP** is the same as the **IPRP (PCT Chapter II)**, see Rule 70.15 PCT).

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