

REC'D 06 JUN 2006

## PATENT COOPERATION TREATY

WIPO

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITYTo:  
MICHAEL F. HOFFMAN  
HOFFMAN, WARNICK & D'ALESSANDRO LLC  
THREE E-COMM SQUARE  
ALBANY, NY 12207**PCT**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference NORA-0003PCT		Date of mailing (day/month/year) <b>31 MAY 2006</b>
International application No. PCT/US04/43505		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 22 December 2004 (22.12.2004)	Priority date (day/month/year) 23 December 2003 (23.12.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC: <b>B65D 19/00( 2006.01),19/00( 2006.01)</b> USPC: 206/386,600;108/55.1		
Applicant NORAMPAC SCHENECTADY, 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 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

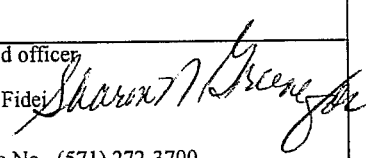
## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 20 April 2006 (20.04.2006)	Authorized officer David T. Fidej  Telephone No. (571) 272-3700
--	--	--

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/43505

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- the international application in the language in which it was filed  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- a sequence listing  
 table(s) related to the sequence listing

b. format of material

- on paper  
 in electronic form

c. time of filing/furnishing

- contained in the international application as filed.  
 filed together with the international application in electronic form.  
 furnished subsequently to this Authority for the purposes of search.

3.  In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/43505

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2, 5-7, 10, 11, 13-15, 18, 19, 21</u> YES
	Claims <u>1, 3, 4, 8, 9, 12, 16, 17, 20, 22, 23</u> NO
Inventive step (IS)	Claims <u>NONE</u> YES
	Claims <u>1-23</u> NO
Industrial applicability (IA)	Claims <u>1-23</u> YES
	Claims <u>NONE</u> NO

2. Citations and explanations:

Please See Continuation Sheet

Claims 1-23 the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/43505

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1, 3, 4, 8, 9, 12, 16, 17, 20, 22 and 23 lack novelty under PCT Article 33(2) as being anticipated by Jacalone (Patent no. 4,085,847). See figures 1 and 2. A pallet is defined by member 18 and 20.

As to claim 8 and 16, see col. 2, line 31 of Jacalone.

Claims 1, 3, 4, 8, 9, 12, 16, 17, 20, 22 and 23 lack novelty under PCT Article 33(2) as being anticipated by Brandes et al (Patent no. 6,041,718). See the embodiment of figures 1 to 28. A pallet is defined by member 72.

As to claim 8 and 16, see col. 7, lines 15 and 18 of Brandes et al.

Claims 2, 10 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Brandes et al (Patent no. 6,041,718) in view of Palte et al (Patent no. 4,069,938). The difference between the claimed subject matter and Brandes et al resides in the top and bottom caps including tabs that interlock the top and bottom caps together when the container is in the collapsed position.

Palte et al discloses that it is known in the art to construct tabs 25 and those on either side of notches 19. To modify the top and bottom caps 166, 164 Brandes et al figure 25 to have tabs would not have involved an inventive step as this feature is fairly taught by the prior art for the reason of providing an interlocking fit.

Claims 5, 13 and 21 lack an inventive step under PCT Article 33(3) as being obvious over Brandes et al (Patent no. 6,041,718) and Jacalone (Patent no. 4,085,847). The difference between the claimed subject matter over both Jacalone (Patent no. 4,085,847) and Brandes et al resides in the top and bottom caps including fork lift holes. To modify the top and bottom caps Jacalone (Patent no. 4,085,847) and Brandes et al to have fork lift holes would not have involved an inventive step because this feature would have been obvious to the skilled artisan for the reason of permitting the interchangeability of the caps.

Claims 6 and 14 lack an inventive step under PCT Article 33(3) as being obvious over and Jacalone (Patent no. 4,085,847) and Brandes et al (Patent no. 6,041,718) in view of Nist (Patent no. 6,581,769). The difference between the claimed subject matter over both Jacalone (Patent no. 4,085,847) and Brandes et al resides in the sidewall sections overlap when the lift van is in the erected position.

Nist discloses that it is known in the art to construct a shipping container with sidewalls formed as overlapping sections 22, 24. To modify the shipping container of Jacalone and Brandes et al by constructing the side wall to comprise overlapping sections is fairly taught by the prior art as an expedient manner of forming sidewall sections of shipping container.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/43505

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Claims 7 and 15 lack an inventive step under PCT Article 33(3) as being obvious over and Jacalone (Patent no. 4,085,847) and Brandes et al (Patent no. 6,041,718) in view of Eatheron (Patent no. 4,424,753). The difference between the claimed subject matter over both Jacalone (Patent no. 4,085,847) and Brandes et al resides in the pallet surface including a bottom floor.

Eatheron discloses that it is known in the art to construct a pallet having a top and bottom surface interconnected by cross-pieces. To provide the pallet within the shipping container of Jacalone and Brandes et al with a floor would not have involved an inventive as such pallet are conventional as shown by Eatheron.

Claims 11 and 19 lack an inventive step under PCT Article 33(3) as being obvious over and Jacalone (Patent no. 4,085,847) and Brandes et al (Patent no. 6,041,718) in view of Youell, Jr. (Patent no. 5,139,194). The difference between the claimed subject matter over both Jacalone (Patent no. 4,085,847) and Brandes et al resides the bottom cap with drop down end flap.

Youell, Jr. discloses that it is known in the art to construct a bottom cap with a drop down flap as shown in figures 2 and 3 that provide access to the container. To provide the pallet within the shipping container of Jacalone and Brandes et al with a bottom cap with drop down end flap is fairly taught by the prior art as lacking an inventive modification. .