

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference L. 37601/05		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2005/011322	International filing date (day/month/year) 21.10.2005	Priority date (day/month/year) 26.10.2004
International Patent Classification (IPC) or both national classification and IPC B65D90/00, B65D88/06, B65D88/02, B65D90/04, B65D90/02, B65D90/08, F16K27/07, B65D90/62		
Applicant LOHSE, Jürgen		

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/EP	Authorized officer
Facsimile No.	Telephone No.

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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, unless otherwise indicated under this item.
<input type="checkbox"/>	This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 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
<input type="checkbox"/>	a sequence listing
<input type="checkbox"/>	table(s) related to the sequence listing
b.	format of material
<input type="checkbox"/>	in written format
<input type="checkbox"/>	in computer readable form
c.	time of filing/furnishing
<input type="checkbox"/>	contained in the international application as filed.
<input type="checkbox"/>	filed together with the international application in computer readable form.
<input type="checkbox"/>	furnished subsequently to this Authority for the purposes of search.
3.	<input type="checkbox"/> 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:

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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		
1. Statement			
Novelty (N)	Claims	<u>1-8</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>4-8</u>	YES
	Claims	<u>1-3</u>	NO
Industrial applicability (IA)	Claims	<u>1-8</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
1.1 Reference is made to the following documents:			
D1: EP 1 094 016 A			
D2: WO 20001 92 36 A			
D3: DE 25 41 375 A			
D4: US 5 348 176			
D5: DE 94 20 002 U			
D6: DE 21 59 602 A			
1.2 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).			
1.2.1 Document D1 is considered to be the closest prior art in relation to the subject matter of claim 1. It discloses (the references between parentheses relate to said document):			
A tank-type transporting system in which the individual shell (10, see paragraph 35) is designed in the manner of a horizontal obelisk			

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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

with a planar base surface, three side surfaces (10), a, as far as possible, planar end side (11) and transition radii on all edges.

1.2.2 The subject matter of claim 1 thus differs from the known tank-type transporting system in that the three side surfaces are designed as convexly curved surfaces.

1.2.3 The problem addressed by the present invention can therefore be considered that of providing for the loading pressure to be absorbed to better effect.

1.2.4 The solution which is proposed in claim 1 of the present application for the purpose of addressing this problem cannot be regarded as inventive (PCT Article 33(3)) for the following reasons:

1.2.4.1 This feature is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive (see, for example, document D2).

1.3 Dependent claims 2, 3 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step, see documents D3

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and D4 and the corresponding passages cited in the search report.

1.3.1 The feature of claim 7 is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive/see, for example, documents D5 and D6 and the corresponding passages cited in the search report.

1.4 The combinations of features contained in dependent claims 4-6 and 8 are not known from the available prior art or suggested by it.

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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:

1 The phrases "individual shells" and "in the manner of a horizontal obelisk" in claim 1 are vague and unclear and leave the reader uncertain as to the meaning of the technical features in question. As a result, the subject matter of said claim is not clearly defined (PCT Article 6).

1.1 In order to overcome this objection, the abovementioned phrases should be replaced by "individual shells of a tank half" and "in the manner of a frustoconical horizontal obelisk".