

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MRE-001-WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2005/011227	International filing date ( <i>day/month/year</i> ) 19 October 2005 (19.10.2005)	Priority date ( <i>day/month/year</i> ) 03 November 2004 (03.11.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MAIER, Reinhard			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

	Date of issuance of this report 22 May 2007 (22.05.2007)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Ellen Moyse
Facsimile No. +41 22 338 82 70	e-mail: pt05.pct@wipo.int

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 <b>MRE-001-WO</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/EP2005/011227</b>	International filing date (day/month/year) <b>19.10.2005</b>	Priority date (day/month/year) <b>03.11.2004</b>
International Patent Classification (IPC) or both national classification and IPC <b>B65D23/10</b>		
Applicant <b>MAIER, Reinhard</b>		

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.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/011227

Box No. I	Basis of this opinion
1.	With regard to the <b>language</b> , 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 <b>nucleotide and/or amino acid sequence</b> 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:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/EP2005/011227
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<b>Box No. V</b>	<b>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>		
1. Statement			
Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	8-11	YES
	Claims	1-7, 12-26	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO
2. Citations and explanations:			
1. Reference is made to the following documents:			
D1: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 05, 14 September 2000 (2000-09-14) & JP 2000 043878 A (TOYO SEIKAN KAISHA LTD), 15 February 2000 (2000-02-15)			
D2: PATENT ABSTRACTS OF JAPAN vol. 1996 no. 02, 29 February 1996 (1996-02-29) & JP 07 251843 A (TOPPAN PRINTING CO LTD), 3 October 1995 (1995-10-03)			
D3: US-A-5 890 635 (WU ET AL.) 6 April 1999 (1999-04-06)			
D4: US 2001/035488 A1 (CIZEK BRIAN P) 1 November 2001 (2001-11-01)			
D5: PATENT ABSTRACTS OF JAPAN vol. 1996, no. 02, 29 February 1996 (1996-02-29) & JP 07 257587 A (TOPPAN PRINTING CO LTD), 9 October 1995 (1995-10-09)			
D6: PATENT ABSTRACTS OF JAPAN vol. 1996 no. 02, 29 February 1996 (1996-02-29) & JP 07 257586 A (TOPPAN PRINTING CO LTD) 9 October 1995 (1995-10-09)			
D7: US-A-4 456 135 (BEEKES ET AL.) 26 June 1984			

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/011227

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

(1984-06-26)

D8: EP-A-0 670 269 (U & B CONSULTING AG;  
RIESCO HOLDING AG) 6 September 1995

(1995-09-06)

D9: GB-A-2 265 891 (ROBERT MUIRHEAD)  
13 October 1993 (1993-10-13)

D10: US-A-3 171 574 (SIMMS JAMES B) 2 March 1965  
(1965-03-02)

D11: GB-A-2 174 669 (MU HUO CHANG) 12 November 1986  
(1986-11-12)

D12: WO 84/03689 A (CHANDLER, GEOFFREY, JAMES)  
27 September 1984 (1984-09-27)

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).

Document D1 discloses (the references between parentheses relate to said document):

a device (1) which is suitable for fitting on the neck of plastic bottles for liquids or bulk material and bears a flexually rigid ring (3) and a handle (2) which is offset in relation to the center axis. (figures 1 and 6)

The subject matter of claim 1 thus differs from the known device expressly in that the internal diameter of the ring (3) is at least 15 mm and at most 50 mm and its height is no greater than half its external diameter.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/011227

**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

These parameters are routine in the art. Such parameters may only be considered to be inventive if they have unexpected effects or properties in relation to other routine parameters. Such effects or properties, however, are not specified in the application. The subject matter of claim 1 is thus not based on an inventive step.

3. Claims 2-7 and 12-26 do not contain any features which, in combination with the features of at least one claim to which they refer, meet the PCT requirements for novelty and inventive step, see documents D1-D12 and the corresponding figures and/or passages cited in the search report.
4. The combination of features which is contained in dependent claims 8-11 is not known from the available prior art or suggested by it.