

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

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>1-26</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>8-11</u>	YES
	Claims	<u>1-7, 12-26</u>	NO
Industrial applicability (IA)	Claims	<u>1-26</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>1. Reference is made to the following documents:</p> <p style="margin-left: 40px;">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)</p> <p style="margin-left: 40px;">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)</p> <p style="margin-left: 40px;">D3: US-A-5 890 635 (WU <i>ET AL.</i>) 6 April 1999 (1999-04-06)</p> <p style="margin-left: 40px;">D4: US 2001/035488 A1 (CIZEK BRIAN P) 1 November 2001 (2001-11-01)</p> <p style="margin-left: 40px;">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)</p> <p style="margin-left: 40px;">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)</p> <p style="margin-left: 40px;">D7: US-A-4 456 135 (BEEKES <i>ET AL.</i>) 26 June 1984</p>			

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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

(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.

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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.