

# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

# PCT

## RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 11116BT PCT1	<b>POUR SUITE À DONNER</b>	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2008/052048	Date du dépôt international ( <i>jour/mois/année</i> ) 14 November 2008 (14.11.2008)	Date de priorité ( <i>jour/mois/année</i> ) 16 November 2007 (16.11.2007)
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant IMECA PROCESS		

1.	Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).																								
2.	Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.  Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).																								
3.	Le présent rapport contient des indications relatives aux points suivants : <table style="width: 100%; border: none;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Cadre n° I</td> <td style="width: 70%;">Base de l'opinion</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° II</td> <td>Priorité</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° III</td> <td>Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° IV</td> <td>Absence d'unité de l'invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Cadre n° V</td> <td>Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VI</td> <td>Certains documents cités</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Cadre n° VII</td> <td>Certaines irrégularités relevées dans la demande internationale</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Cadre n° VIII</td> <td>Certaines observations relatives à la demande internationale</td> </tr> </table>	<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion	<input type="checkbox"/>	Cadre n° II	Priorité	<input type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle	<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention	<input checked="" type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration	<input type="checkbox"/>	Cadre n° VI	Certains documents cités	<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input checked="" type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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4.	Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).																								

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date d'établissement du présent rapport 29 June 2010 (29.06.2010)
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**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>11I16BT PCT1</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/FR2008/052048</b>	International filing date (day/month/year) <b>14.11.2008</b>	Priority date (day/month/year) <b>16.11.2007</b>
International Patent Classification (IPC) or both national classification and IPC <b>B08B9/032 B08B9/02</b>		
Applicant <b>IMECA PROCESS</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	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I	Basis of this opinion
	<p>1. With regard to the <b>language</b>, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> 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)).</p> <p>2. <input type="checkbox"/> This opinion has been established taking into account the <b>rectification of an obvious mistake</b> authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p> <p>3. 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:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed</p> <p><input type="checkbox"/> filed together with the international application in electronic form</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search</p> <p>4. <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.</p> <p>5. Additional comments:</p>

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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	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO
2. Citations and explanations:			
<p>The following documents (D) are cited in the search report:</p> <p>D1: WO 2006/032731 A (TAMPEREEN TEOLLISUUSSAEHKOE OY [FI]; PAHLMAN HEIKKI [FI]) 30 March 2006 (2006-03-30)</p> <p>D2: EP-A-1 177 841 (WEIGERT CHEM FAB [DE]) 6 February 2002 (2002-02-06)</p> <p>D3: DE 36 42 611 A1 (HILGE PHILIPP GMBH [DE]) 23 June 1988 (1988-06-23)</p> <p>D4: WO 2004/071681 A (CLEANSOLVE HOLDING APS [DK]; FAMME PER BRUUN [DK]) 26 August 2004 (2004-08-26)</p> <p>D5: JP 09 084519 A (IWAI KIKAI KOGYO KK) 31 March 1997 (1997-03-31)</p> <p>The present application does not meet the patentability requirements since the subject matter of claims 1 and 10 does not involve an inventive step (PCT Article 33(3)).</p> <p>Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to this document):</p>			

**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

A method of washing an apparatus (1) for food, pharmaceutical, cosmetic or similar production (page 3, line 3), said method comprising the following steps:

- the apparatus (1) to be washed is filled with a cleaning solution (page 3, line, paragraph [0009];
- a closed cleaning circuit is created around the apparatus (1) to be washed, enabling the cleaning solution to circulate in a loop in said apparatus (1) to be washed (paragraph [0019]);
- the evolution of at least one physico-chemical parameter of the cleaning fluid circulating in the closed circuit is controlled, said parameter(s), taken in combination, enabling the level of pollution of said cleaning solution to be evaluated (paragraph [0011]);
- when the value(s) of this or these physico-chemical parameter(s) becomes constant, the pollution level evaluated on the basis of this or these parameter(s) is compared to the pollution level of the starting solutions.

Document D1 also describes on page 4, paragraph [0012] that if the threshold pollution level is not reached, the apparatus to be cleaned is rinsed (line 8 of paragraph [0012]) with a rinsing solution.

Document D1 does not explicitly describe that:

- if the level is equaled or exceeded, the polluted cleaning solution is replaced by clean or regenerated cleaning solution, and the preceding cleaning steps are repeated.

However, this step is obvious since a cleaning solution

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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

which no longer has cleaning power must be replaced.

Consequently, the subject matter of claim 1 does not involve an inventive step.

Document 3 describes a device for washing an apparatus for food, pharmaceutical, cosmetic or similar production (column 1, lines 50-51), said device comprising a washing circuit capable of being put in place around an apparatus to be washed (2, 3, 4), wherein said washing circuit comprises at least one tank (15) for a cleaning solution, and the washing circuit comprises a sealed bypass (column 4, lines 16-20) enabling a secondary, in particular substantially isobar washing circuit to be created around the apparatus to be washed.

Therefore, the subject matter of claim 10 differs therefrom in that the apparatus is designed for the implementation of the method. This distinction involves a sensor enabling a physico-chemical parameter, which enables a level of pollution of the cleaning solution to be evaluated, to be measured, such as a sensor measuring turbidity and/or luminance factor or a sensor measuring the conductivity or the resistivity of the solution.

This distinction is known from the prior art (see documents D1, D2, D4 and D5). It would therefore appear to be obvious for a person skilled in the art to integrate a sensor of a physico-chemical parameter into a device according to D3 in order to optimize the cleaning process.

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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

Dependent claims 2-9 and 11-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of inventive step, see documents D1-D5 and the corresponding passages cited in the search report.

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:

The following feature of claim 1 is not clear for two reasons (PCT Article 6):

“when the value(s) of this or these physico-chemical parameter(s) becomes constant, **the pollution level** evaluated on the basis of this or these parameter(s) **is compared to the pollution level of the starting solutions.**”

a) if the starting solution is a **clean** or regenerated cleaning solution, what is the pollution level of this starting solution?

b) this feature mentions that the pollution level is compared to the pollution level of the starting solutions**s**. However, claim 1 mentions in line 5 the presence of only **one** cleaning solution and not **a plurality** of cleaning solution.