

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 09143WO-BD		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2009/067563	International filing date (day/month/year) 18.12.2009	Priority date (day/month/year) 19.12.2008
International Patent Classification (IPC) or both national classification and IPC A01J25/00 A01J25/11 A23C19/00		
Applicant HOCHLAND AG		

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
1.	<p>With regard to the language, 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>
2.	<p><input type="checkbox"/> This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))</p>
3.	<p>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:</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>
4.	<p><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>
5.	<p>Additional comments:</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		
1. Statement			
Novelty (N)	Claims	<u>1-9</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-9</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
Reference is made to the following documents:			
D1: AU 744 993 B2 (SCHERPING SYSTEMS INC) 7 March 2002 (2002-03-07)			
D2: US 3 691 633 A (BERGE JACQUES MARIE ALBERT CHA) 19 September 1972 (1972-09-19)			
D3: 2 747 266 (CHANET JACQUES JEAN ANTOINE [FR]) 17 October 1997 (1997-10-17)			
<p>The present application complies with the requirements of PCT Article 33(1) because the subject matter of claims 1-9 is novel (PCT Article 33(2)).</p>			
<p>None of the abovementioned documents discloses a cylindrical filter containing a rotatable filter core element which is disposed coaxially in the filter insert, and wherein an annular space is formed between the core element and the filter wall, in which annular space scrapers are situated which scrape the inner surface of the filter wall as the core element rotates.</p>			
<p>The present application meets the requirements of PCT Article 33(1) because the subject matter of claims 1-9 involves an inventive step (PCT Article 33(3)).</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

Document D3 is considered to be the closest prior art. D3 discloses a cylindrical filter for cheese preparation which does not, however, disclose the scrapers. The object of the present application was to make available a filter for processing paste-type foods, in particular processed cheese. D3 solves a different problem, that is to say separating off the aqueous components during cheese preparation. Therefore, in the prior art there is no indication of using a filter having scraper elements as in the present application for filtering paste-type foods.