

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference BMS131096-WO		Date of mailing (day/month/year) 02 February 2017
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/EP2016/079843	International filing date (day/month/year) 06 December 2016	Priority date (day/month/year) 11 December 2015
International Patent Classification (IPC) or both national classification and IPC B65B 69/00(2006.01)i; B65G 65/38(2006.01)i; B65G 69/04(2006.01)i		
Applicant COVESTRO DEUTSCHLAND 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 and 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.

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
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Box No. I Basis of the 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.
 - 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)).
2. 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 43*bis*.1(a)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing:
 - a. forming part of the international application as filed:
 - in the form of an Annex C/ST.25 text file.
 - on paper or in the form of an image file.
 - b. furnished together with the international application under PCT Rule 13*ter*.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
 - c. furnished subsequent to the international filing date for the purposes of international search only:
 - in the form of an Annex C/ST.25 text file (Rule 13*ter*.1(a)).
 - on paper or in the form of an image file (Rule 13*ter*.1(b) and Administrative Instructions, Section 713).
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____	YES
	Claims	1-7	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims	_____	NO

2. Citations and explanations :

See Supplemental Box

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following document:

D1	WO 2012/084734 A1 (BASF SE [DE]; KAMINSKY TORBEN [DE]; THOMAS MARIA [DE]; GIESKER HARTMUT) 28 June 2012 (2012-06-28)
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2. The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

D1 (the corresponding references relate to said document) is considered to be the prior art closest to the subject matter of claim 1 and discloses:

a "device (see figure 11) for emptying" non-flowing bulk material (this may very well be powder which has a moisture content of at least 0.1 wt.%) "out of a container" (octabins), wherein "the device comprises a break ring (16) which is provided with one or more breaking ribs (14, 12) that are directed outwards and a stabilising cross structure (10, 11) comprising a breaking spike (see figure 13)".

Even if it were understood that the flowing bulk material is not powder which has a moisture content of at least 0.1 wt.%, the subject matter of claim 1 is at least not inventive.

3. The same argument applies, mutatis mutandis, to the subject matter of method claim 6, which therefore likewise cannot be considered inventive.

"Preferably ..." and "in particular ..." (see claims 4 and 2) are considered to be optional features, and therefore have not been taken into consideration for this examination.

4. Dependent claims 2-5 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, since they belong to the knowledge of a person skilled in the art.