

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)

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| Référence du dossier du déposant ou du mandataire 2016P00289WO | POUR SUITE À DONNER | Voir le point 4 ci-dessous |
| Demande internationale no. PCT/FR2017/051950 | Date du dépôt international (<i>jour/mois/année</i>) 18 July 2017 (18.07.2017) | Date de priorité (<i>jour/mois/année</i>) 05 August 2016 (05.08.2016) |
| Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237 | | |
| Déposant SOCIÉTÉ D'EXPLOITATION DE PRODUITS POUR LES INDUSTRIES CHIMIQUES SEPPIC | | |

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|-------------------------------------|---|---|------------|-------------------|--------------------------|-------------|----------|--------------------------|--------------|--|--------------------------|-------------|--------------------------------|-------------------------------------|------------|---|--------------------------|-------------|--------------------------|--------------------------|--------------|---|--------------------------|---------------|--|
| 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 5 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 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 type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale |
| <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 type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale | | | | | | | | | | | | | | | | | | | | | | | |
| 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). | | | | | | | | | | | | | | | | | | | | | | | | |

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| Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Date d'établissement du présent rapport 05 February 2019 (05.02.2019) |
| no de télécopieur +41 22 338 82 70 | Fonctionnaire autorisé Simin Baharlou e-mail: pct.team9@wipo.int |

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | |
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| Date of mailing <i>(day/month/year)</i> 23 October 2017 | |
| Applicant's or agent's file reference 2016P00289WO | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/FR2017/051950 | International filing date <i>(day/month/year)</i> 18 July 2017 |
| Priority date <i>(day/month/year)</i> 05 August 2016 | |
| International Patent Classification (IPC) or both national classification and IPC A61K 8/39(2006.01)i; A61Q 19/00(2006.01)i; A61K 8/20(2006.01)i; A61K 8/81(2006.01)i | |
| Applicant SOCIETE D'EXPLOITATION DE PRODUITS POUR LES | |

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.

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|--------------------------------------|------------------------------------|--------------------|
| Name and mailing address of the ISA/ | Date of completion of this opinion | Authorized officer |
|--------------------------------------|------------------------------------|--------------------|

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2017/051950

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:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2017/051950

| 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 | 1-13 | YES |
| | Claims | _____ | NO |
| Inventive step (IS) | Claims | 1-13 | YES |
| | Claims | _____ | NO |
| Industrial applicability (IA) | Claims | 1-13 | YES |
| | Claims | _____ | NO |
| 2. Citations and explanations : | | | |
| See Supplemental Box | | | |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2017/051950

Supplemental Box

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

Continuation of:

Box V

A. Reference is made to the following documents:

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| D1 | US 2014/335039 A1 (MERAT EMMANUELLE [FR]) 13 November 2014 (2014-11-13) |
| D2 | FR 2 910 899 A1 (SEPPIC SA [FR]) 4 July 2008 (2008-07-04) |

B. Novelty - PCT Article 33(2)

1. Document D1 describes the preparation of a polymer, referred to as a cross-linked anionic polyelectrolyte, as per claim 1. However, said document does not describe a composition having both an ammonium cation or metal cation salt, or a polyoxyethylene fatty alcohol according to formula II of claim 1. Thus, the subject matter of claims 1-13 is novel.

2. The same applies in view of D2.

C. Inventive step - PCT Article 33(3)

According to the description, the aim of the present invention is that of providing thickening systems for manufacturing gels that are transparent and stable over a wide range of pHs, even when the composition is rich in electrolytes. The compositions must also have satisfactory sensory properties. In the present case, the compositions are essentially aqueous.

The closest prior art can be either document D1 or document D2. These two documents propose providing thickening systems which make it possible to obtain transparent and stable gels, even when said gels contain electrolytes (D1: page 2, line 21, to page 3, line 2; D2: paragraphs 8-9).

The experiment portion demonstrates the stability of the compositions according to the invention relative to compositions not in the invention (compositions including a solubilizing agent other than that defined in (c); these compositions have an Ra ratio different from that defined in the claims).

Therefore, the problem addressed can be considered that of providing an improved/optimized thickening system.

Although some of the compositions of D1 and D2 include salts, and although D2 suggests that the compositions can include polyoxyethylene fatty alcohols, none of the documents suggests that an optimization can be achieved by combining the specific polyoxyethylene fatty alcohols with specific salts, let alone the influence of the polymer/polyoxyethylene fatty alcohols weight ratio and polyoxyethylene fatty alcohols/salts molar ratio. Therefore, an inventive step is acknowledged.