

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43*bis*.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2017/048898

International filing date (day/month/year)
28.08.2017

Priority date (day/month/year)
30.08.2016

International Patent Classification (IPC) or both national classification and IPC
INV. A61M1/00

Applicant
LIFECELL CORPORATION

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 43*bis*.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 usually 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 66.1*bis*(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:



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Date of completion of this opinion

see form
PCT/ISA/210

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 43bis.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 13ter.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 13ter.1(a)).
 - on paper or in the form of an image file (Rule 13ter.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:

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)	Yes: Claims	<u>6, 9-63</u>
	No: Claims	<u>1-5, 7, 8</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-63</u>
Industrial applicability (IA)	Yes: Claims	<u>1-63</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

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

1 Independent Claims

- 1.1 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claim 1 is not new. (The reference numbers within parentheses refer to the drawings in closest cited document beneath.)
- Document D1 (paragraphs [0046] - [0048]; figures 1, 2B) discloses a tissue treatment system (negative wound pressure treatment also treats a tissue), comprising:
- a container (102), including:
- an exterior wall (302, 304, 306, 308) surrounding an interior volume (318) for holding tissue; and
- a filtering structure (104) for processing tissue.
- 1.2 Documents D2 (paragraphs [0047] - [0051]; figures 1,2,7), D3 (paragraph [0032]; figures 1, 15), D4 (paragraphs [0030] - [0034]; figures 2,3), D5 (the whole document) and D6 (the whole document) also disclose the subject-matter of claim 1, rendering it not novel.

2 Dependent Claims

- 2.1 Dependent claims 2-5, 7-8 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.
- Documents D1-D3 discloses in the respective paragraphs above the subject-matter of claim 2. Document D1 (paragraphs [0046] - [0048]; figures 1, 2B) further discloses the additional features of claims 3-5.
- 2.2 Dependent claims 6, 9-63 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 inventive step.

The reason being that the additional features merely refer to standard features in the art of handling bodily exudate that the person skilled in the art would consider obvious being presented with any of the prior art cited.

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1-D6 is not mentioned in the description, nor are these documents identified therein.

According to Rule 6.2(b) PCT the technical features mentioned in the claims shall preferably be followed by reference signs (placed between parentheses), since in this case they do facilitate a quicker understanding of the claims.

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate.