

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/EP2017/082894

International filing date (day/month/year)
14.12.2017

Priority date (day/month/year)
15.12.2016

International Patent Classification (IPC) or both national classification and IPC
INV. B65D85/73 B65D79/02 B65D51/24 B65D5/42

Applicant
ANHEUSER-BUSCH INBEV S A

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:



European Patent Office
P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016


Date of completion of this opinion

see form
PCT/ISA/210

Authorized Officer

Sundell, Olli

Telephone No. +31 70 340-0



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>2-6, 9-15</u>
	No: Claims	<u>1, 7, 8</u>
Inventive step (IS)	Yes: Claims	<u>6, 14</u>
	No: Claims	<u>1-5, 7-13, 15</u>
Industrial applicability (IA)	Yes: Claims	<u>1-15</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

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:

see separate sheet

1 **Re Item V**

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

1.1 Reference is made to the following documents:

D1 US 2012/160725 A1 (ABRAMSON MICHAEL T [US]) 28 June 2012 (2012-06-28)cited in the application

1.2 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claim 1 is not new.

D1 discloses (see paragraph [0029]):

A smart metal, glass, and plastic packaging for e.g. beer, comprising a least one sensory perceptible output device ("testing material") integrated in the packaging enabling a user or consumer to sense any sensory perceptible status change of the packaging or the beverage,(paragraph [0008]: "visibly alert, signal or otherwise react") wherein a structural component of the packaging forms a component of the at least one sensory perceptible output device, said structural component being a component or material layer offering a contribution to enable the packaging to contain a beverage or to be transported (paragraph [0029]: "*a portion of the beverage container 100 may be removed 135 and then replaced with the testing material (e.g., by directly attaching the testing material to the removed portion using an adhesive).*").

1.3 The present application does not meet the criteria of Article 33(2) PCT, also because the subject-matter of the corresponding method claim 8 is for the same reasons also not new.

1.4 Dependent claims 2-5, 7, 9-13, 15 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, see documents D1 and the corresponding passages cited in the search report. In particular the following is noted:

1.4.1 Document D1 is silent about the electrical conductivity of the testing material. However, claims 2-5 do not require that the electrical conductivity plays any role in the functioning of the output (device). Their subject-matter does therefore not involve an inventive step, because the skilled person would, without the use of inventive skill, use a layer of metal or a layer of electrically non-conductive material for the testing material described in paragraph [0029], lines 17-21.

1.5 The combination of the features of dependent claims 6 and 14 is neither known from, nor rendered obvious by, the available prior art.

2 **Re Item VII**

Certain defects in the international application

2.1 Independent claim 8 is not in the two-part form in accordance with Rule 6.3(b) PCT.

2.2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

3 **Re Item VIII**

Certain observations on the international application

3.1 The application does not meet the requirements of Article 6 PCT, because claims 9-13 are not clear.

3.1.1 Claim 9 is not clear, because it is not defined what the remaining parts are. Claim 9 is also not clear, because the expression "share at least one additional process step" leaves the reader guessing what step could possibly be referred to and when is a step shared. Claim 9 is also not supported by the description, because a step could be shared in innumerable ways which are not supported by the description.

3.1.2 Claims 9-13 are not clear, because the terms are so abstract that the skilled person is unable to tell what real-life concrete method steps are covered by the claims and which are not.