

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)

Référence du dossier du déposant ou du mandataire 32251-PCT	POUR SUITE À DONNER	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2017/053596	Date du dépôt international (<i>jour/mois/année</i>) 15 December 2017 (15.12.2017)	Date de priorité (<i>jour/mois/année</i>) 16 December 2016 (16.12.2016)
Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant TECHNOFLEX		

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 8 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input checked="" type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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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).																								

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date d'établissement du présent rapport 18 June 2019 (18.06.2019)
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From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing <i>(day/month/year)</i> 02 March 2018	
Applicant's or agent's file reference 32251-PCT	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/FR2017/053596	International filing date <i>(day/month/year)</i> 15 December 2017
Priority date <i>(day/month/year)</i> 16 December 2016	
International Patent Classification (IPC) or both national classification and IPC A61J 1/20(2006.01)i; A61J 1/10(2006.01)n	
Applicant TECHNOFLEX	

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

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2017/053596

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/FR2017/053596

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	1-9	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims	_____	NO

2. Citations and explanations :

See Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2017/053596**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 Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2017/053596**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 Supplemental Box

Supplemental Box

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

[1] **Box 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	WO 94/25252 A1 (STEDIM SA [FR]; VALLOT BERNARD [FR]) 10 November 1994 (1994-11-10)
D2	FR 2 645 437 A1 (SYNTHELABO [FR]) 12 October 1990 (1990-10-12)
D3	WO 97/05852 A1 (GAMBRO AB [SE]; WIESLANDER ANDERS [SE]; CAPPELLI GIORGIO [IT]) 20 February 1997 (1997-02-20)

[1.2] The present application fails to comply with the requirements of PCT Article 33(3), since the subject matter of claim **1** does not involve an inventive step.

[1.2.1] **D1**, which may be considered the prior art closest to the subject matter of claim **1**, discloses (see figure 1–4; page 4, line 1 — page 4, line 25):

A bag (1) for medical use comprising three compartments (2, 3 and 4), which comprises a compartment (2) containing a solvent, a compartment (3) containing a solute and a compartment (4) containing a solvent, the compartment (3) containing a solute being separated from the two other compartments (2 and 3) by pincers (5 and 6), the opening of which allows liquid to flow by gravity, in which, during opening of one of said pincers and under the effect of a pressure, the liquid contained in one compartment is propelled towards another compartment.

[1.2.2] Therefore, the subject matter of claim **1** differs from this known bag for medical use in that, *after filling a compartment, a filling tube is welded and cut in order to block access to said compartment.*

[1.2.3] The problem addressed by the present invention can therefore be considered to be that of finding a way to hermetically close a filling tube.

[1.2.4] The solution proposed in claim **1** of the present application cannot be considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

D1 discloses a filling tube (9) that is hermetically closed (page 4, lines 8–11). A filling tube that is welded and cut in order to block access to said compartment is merely one of several obvious options from which a person skilled in the art seeking to solve the stated problem could choose, depending on the circumstances, without exercising inventive skill. Closing a filling tube in this manner is disclosed, for example, in **D3** (page 4, lines 7–9).

[1.2.5] The same reasoning applies starting from document **D2**.

[1.3] Dependent claims **2–9** 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:

[1.3.1] Claim **2**: see **D2**, page 7, lines 7–11.

[1.3.2] Claim **3**: see **D2**, three filling tubes (7a, 7b and 7c).

[1.3.3] Claim **4**: see **D2**, an outlet tube (8).

[1.3.4] Claim **5**: see **D2**, page 8, lines 28–30.

[1.3.5] Claim **6**: see **D1**, page 4, lines 8–11.

[1.3.6] Claim **7**: see **D1**, figure 14.

[1.3.7] Claims **8–9**: see **D2**, figure 2, the compartment (4).

Supplemental Box

[2] **Box VII****Certain defects in the international application**

- [2.1] Contrary to the requirements of PCT Rule 5.1(a)(ii), the description neither cites documents **D1–D2**, nor indicates the relevant prior art disclosed therein.

Box VIII**Certain observations on the international application**

- [2.1.1] The application fails to meet the requirements of PCT Article 6, since claim **6** is unclear.

The feature of *a filling tube being permanently blocked* is already present in claim **1** (*a filling tube is welded and cut in order to block access to said compartment*).