

# 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/GB2018/050304

International filing date (day/month/year)  
02.02.2018

Priority date (day/month/year)  
03.02.2017

International Patent Classification (IPC) or both national classification and IPC  
INV. B67D1/08 B67D1/12 F16K17/16

Applicant  
PETAINER LARGE CONTAINER IP LIMITED

**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  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of this opinion

see form PCT/ISA/210

Authorized Officer

Telephone No. +49 89 2399-0



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**Box No. I Basis of the opinion**

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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:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

the entire international application

claims Nos. 19-23

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

no international search report has been established for the whole application or for said claims Nos. 19-23

a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

furnish a sequence listing in the form of an Annex C/ST.25 text file, and such listing was not available to the International Searching Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

furnish a sequence listing on paper or in the form of an image file complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in the form and manner acceptable to it; or the sequence listing furnished did not comply with the standard provided for in Annex C of the Administrative Instructions.

pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

See Supplemental Box for further details

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**Box No. IV Lack of unity of invention**

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1.  In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:
- paid additional fees
  - paid additional fees under protest and, where applicable, the protest fee
  - paid additional fees under protest but the applicable protest fee was not paid
  - not paid additional fees
2.  This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- complied with
  - not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- all parts.
  - the parts relating to claims Nos. 1-18, 24

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**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**

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1. Statement

Novelty (N)	Yes: Claims	<u>14-18</u>
	No: Claims	<u>1-13, 24</u>
Inventive step (IS)	Yes: Claims	<u>17, 18</u>
	No: Claims	<u>1-16, 24</u>
Industrial applicability (IA)	Yes: Claims	<u>1-18, 24</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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

**see separate sheet**

**Re Item III**

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

**1 Claims 19-23 are not examined.**

Claims 19-23 have not been the object of a search report and are therefore not examined for novelty and inventive step.

**Re Item IV**

**Lack of unity of invention**

**2 The present application comprises two inventions.**

Document D1 discloses all the features which are in common between independent claims 1 and 19:

A closure 18 for a beverage keg (§ 0008), the closure comprising an outer housing wall 54 defining at least a portion of a valve housing (Figure 15).

The potential special technical features of claim 1 are: the outer housing wall and the inner duct are integrally formed together as part of a single housing component. Said features are directed to the problem of obtaining a closure that is simpler to assemble with fewer parts. Said problem is mentioned in the current application, page 2, lines 29-31.

The potential special technical feature of claim 19 is: a venting system provided in the housing wall, separate from the inlet and configured to provide fluid communication between the headspace of the keg and an exterior of the closure. Said feature is directed to the problem of limiting the internal pressure. Said problem is mentioned in the current application, page 2, line 1.

Therefore the claims of each group do neither have a common potential special technical feature within the meaning of rule 13.2 PCT, nor define corresponding features since no technical relationship in the meaning of Rule 13.2 PCT between groups 1 and 2 of the claims can be seen. Thus there is a lack of unity of the invention according to Art. 17.3(a) and Rules 13.1 and 13.2 PCT.

The inventions are:

Group 1: claims 1-18, 24

Group 2: claims 19-23.

**Re Item V**

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

**3 Cited documents**

Reference is made to the following documents:

- D1 EP 2 450 307 A2 (APPS WILLIAM P [US]; HANSEN WAYNE MATTHEW [US]) 9 May 2012 (2012-05-09)
- D2 WO 2012/062821 A1 (PETAINER LIDKOEPIG AB [SE]; AHLSTROEM KARL-JOHAN [SE]) 18 May 2012 (2012-05-18)
- D3 GB 1 315 973 A (ALUMASC LTD) 9 May 1973 (1973-05-09)
- D4 WO 00/20326 A1 (LEER KONINKLIJKE EMBALLAGE [NL]; BOULANGE MICHEL [FR]; WILLINGHAM JOHN) 13 April 2000 (2000-04-13)
- D5 EP 0 102 701 A2 (GRUNDY TEDDINGTON LTD [GB]) 14 March 1984 (1984-03-14)
- D6 EP 2 505 546 A1 (SCHAEFER WERKE GMBH [DE]) 3 October 2012 (2012-10-03)

**4 Claims 1-13, 24 lack novelty (Art. 33(2) PCT).**

**4.1 Claim 1**

Document D2 discloses in the wording of claim 1:

A closure 100 (Figure 6) for a beverage keg 14 (abstract) the closure comprising an outer housing wall (in Figure 6, the cup-shaped element which surrounds spear connector 260) defining at least a portion of a valve housing (the valve element being indicated by reference sign 210) and an inner duct (the upper part of the collar surrounding 260) that is located within the outer housing wall and extends through at least a portion of the valve housing to define a flow path (for the beverage) through the closure, wherein the outer housing wall and the inner duct are integrally formed together as part of a single housing component.

Therefore claim 1 lacks novelty.

It is pointed out that also each of documents D3, D4 and D5 discloses all the features of claim 1:

D3, closure (Figure 1), keg 34, outer housing wall 26, valve housing 11, inner duct 20; D4, closure 12 (Figures 2, 3), keg 18, outer housing wall 57, inner duct 46, D5: reference sign 4, figure 1.

#### 4.2 **Dependent claims 2-13, 24**

The features of claims 2-13, 24 are already known from D2, D3 or D4:

claims 2-4: D2, Figure 6 or alternatively D3, Figure 1 or alternatively D4, Figure 2, reference sign 44 or alternatively D5, Figure 1;

claim 5: D2, valve element 260, biasing device: page 9, lines 18-22 or alternatively D3 valve element 12, biasing device 13 or alternatively D4, valve element 50, biasing device 52 or alternatively D5, Figure 1;

claim 6: D2, Figure 6 (horizontal wall) or alternatively D3 Figure 1, or alternatively D4, reference sign 44 or alternatively D5, Figure 1;

claim 7: D3, reference sign 27;

claim 8: Figure 6, the lower part of the collar, which connects a spear via 260 or alternatively D3 Figure 1 or alternatively D4, reference sign 46;

claim 9: Figure 6 or alternatively D3, reference sign 26, Figure 1 or alternatively D4, Figure 3 or alternatively D5, Figure 1;

claims 10, 24: page 6, lines 21-23 or alternatively D3, neck 33, Figure 1 or alternatively D4, neck 16, Figure 1 or alternatively D5, Figure 1;

claim 11: D3, reference signs 15, 16 or alternatively D4, reference signs 22, 24, 32 or alternatively D5, Figure 1;

claim 12: D4, reference sign 35;

claim 13: D4, legs 62, clips 64 (page 4, line 31 - page 5, line 13).

Therefore claims 2-13, 24 lack novelty.

#### 5 **Dependent claims 14-16 lack an inventive step (Art. 33(3) PCT).**

The features of claims 14, 15 are already known from D6, § 0014-0019 (reference sign 7). The combination of the features of D5 and D6 does not substantiate an inventive step.

The features of claim 16 are known from D5, reference sign 6.



**6 Dependent claims 17, 18 are inventive (Art. 33(3) PCT).**

**6.1 Claim 17**

The subject-matter of claim 17 differs from said known closure in that the head portion comprises an outer wall which extends around a portion of the outer housing wall, the outer wall at least partially covering the venting system.

The technical problem to be solved, starting from D1, is how to prevent the venting system to be accidentally actuated from the outside.

The technical effect is that the outer wall provides protection to the venting system when the closure 1 has been fully assembled.

D6 discloses addresses said problem by providing additional component 13. In order to solve the aforementioned technical problem the skilled person would not extend outer component 6 of D5 so as to cover the venting system, instead he would apply component 13 of D6 to the closure of D5.

Thus, claim 17 is inventive in the sense of Art. 33(3) PCT.

**6.2 Claim 18**

Claim 18 depends on claim 18 and therefore also benefits from its novelty and inventive step.

**Re Item VII**

**Certain defects in the international application**

**7 No reference signs in the claims**

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

**8 No two-part form**

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, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

**9 Inconsistent terminology**

According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "outer housing wall" in the claims and "outer wall" and "annular wall" in the description for the same feature.

The same objection applies for "valve housing" in the claims and "integrated housing component" in the description for the same feature.

The same objection applies for "outer component" and "separate outer component" in the claims and "attachment part" in the description for the same feature.