

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (day/month/year)	09/11/2018
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Applicant's or agent's file reference 35383SG11	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/SG2018/050333	International filing date (day/month/year) 05/07/2018	Priority date (day/month/year) 06/07/2017
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International Patent Classification (IPC)
A47G 23/02 (2006.01) B65D 81/38 (2006.01)

Applicant
YUMI HOMMA et al.

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 be considered to be a written opinion of the International Preliminary Examination 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.

<p>Name and mailing address of the ISA/SG</p>  <p>Intellectual Property Office of Singapore 51 Bras Basah Road #01-01 Manulife Centre Singapore 189554</p> <p>Email: pct@ipos.gov.sg</p>	<p>Date of completion of this opinion</p> <p style="text-align: center;">08/11/2018</p> <p style="text-align: center;">(day/month/year)</p>	<p>Authorized officer</p> <p style="text-align: center;"><u>Lee Yi Chau</u></p> <p>IPOS Customer Service Tel. No.: (+65) 6339 8616</p>
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SG2018/050333

Box No. I Basis of this 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 purpose 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 in 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/SG2018/050333

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Priority claim has been verified and found to be valid.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/SG2018/050333

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	<u>3, 6, 7, 18, 21, 22</u>	YES
	Claims	<u>1, 2, 4, 5, 8-17, 19, 20</u>	NO
Inventive step (IS)	Claims	<u>3, 6, 7, 18, 21, 22</u>	YES
	Claims	<u>1, 2, 4, 5, 8-17, 19, 20</u>	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations:

The following citations are referred to in this written opinion. Full bibliographic details are provided in the International Search Report:

- D1 – US 2002/0000446 A1
- D2 – US 2015/0291313 A1
- D3 – JP 2002-068328 A
(a machine translation was used for the purpose of establishing the written opinion)
- D4 – WO 2008/003128 A1
- D5 – US 5256131 A
- D6 – CN 104473523 A
(the original non-English language document was used for the purpose of establishing the written opinion)
- D7 – US 9433310 B1

1. Novelty

Claims 1, 2, 4, 5, 8-17, 19, 20

Claims 1, 2, 4, 5, 8-17, 19 and 20 are not novel and therefore do not comply with PCT Article 33(2).

Claim 1

D1 discloses the following features of claim 1 (references in parentheses refer to D1):

A sleeve for a beverage holder (para [0006], fig. 6, ref. 1), the sleeve comprising:

a flexible material (para [0026]: liquid-absorbent material such as recycled paper product commonly used as napkin) having an at least substantially rectangular shape with a first end and a second end opposite the first end (para [0036]; fig. 9, refs. 30, 35 and 36); and

one or more connecting members configured to connect the first and the second end together so that the flexible material surrounds the beverage holder (para [0036]: adhesive substance as the connecting member).

Therefore, claim 1 lacks novelty in view of D1.

Each of D2-D7 also discloses the subject matter of claim 1:

D2: see abstract, figs.1- 6;

D3: see abstract, para [0018]; fig. 2;

D4: see pg. 9, lines 14-23; figs. 13A-C;

D5: see col. 2, lines 50-58; col. 4, lines 38-49; figs. 1, 7 and 8;

D6: see para [0013]: 杯套 (cup cover), 长方形薄垫片 (rectangular shim) 粘结扣 (fastening buckle) 6; figs. 1 and 2;

D7: see col. 3, lines 12-53; figs. 1A-1D and 4.

Therefore, claim 1 is also not novel in view of each of D2 to D7.

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

Claim 16

Claim 16 defines a method of manufacturing a sleeve for a beverage holder that directly corresponds to the sleeve defined in claim 1. Therefore, claim 16 is not novel in view of each of D1-D7.

Claims 2, 4, 5, 8-15, 17, 19, 20

The additional features defined in claims 2, 4, 5, 8-15, 17, 19 and 20 are disclosed in at least one of D1-D7:

Claims 2 and 17: see D1, para [0037]; fig. 10;

Claims 4 and 19: see D1, para [0036]; D2, see abstract; D3; para [0020]; D4, pg. 9, lines 21-23; pg. 6, lines 21-22;

Claims 5 and 20: see D4, pg. 9, lines 21-22; D5: col. 4, lines 40-42; D6: para [0017]: 魔术贴, 按扣, 勾扣 (Velcro, snap fastener, hook); D7, col. 3, lines 48-50

Claim 8: see D2, para [0258], paper towel inherently has thermal insulating properties, figs. 2 and 3, ref. 150;

Claim 9: see D5, col. 3, lines 5-6; figs 2 and 6, ref. 16;

Claim 10: see D1, para [0027] and [0028]: inner portion 5 made from a liquid-absorbent material, outer portion 10 individually fixedly attached to the inner portion 5 to form the cup-holder; D2, para [0258]: absorbent material 150, fig. 2 and 3;

Claim 11: see D3, see fig. 2;

Claims 12 and 13: see D2, para [0258], figs. 2 and 3;

Claims 14 and 15: see D3, see fig. 1;

Therefore, claims 2, 4, 5, 8-15, 17, 19 and 20 are also not novel in view of at least one of D1-D7.

Claims 3, 6, 7, 18, 21, 22

Claims 3, 6, 7, 18, 21 and 22 are novel and therefore comply with PCT Article 33(2). None of the cited prior art documents individually discloses all the features of any of these claims.

2. Inventive step

Claims 1, 2, 4, 5, 8-17, 19, 20

Claims 1, 2, 4, 5, 8-17, 19, 20 do not involve an inventive step and therefore do not comply with PCT Article 33(3).

Given the above novelty objection, claims 1, 2, 4, 5, 8-17, 19 and 20 do not involve an inventive step.

Claims 3, 6, 7, 18, 21, 22

Claims 3, 6, 7, 18, 21 and 22 involve an inventive step and therefore comply with PCT Article 33(3).

The additional features defined in claims 3 and 18, i.e. having an incision disposed at an angle from the end of the slit, as well as the additional features defined in claims 6, 7, 21 and 22, i.e. the first connecting member and the second connecting member are twisted or tied together, are not obvious to a person skilled in the art from the cited documents, when taken individually or in any combination. Claims 3, 6, 7, 18, 21 and 22 therefore involve an inventive step.

3. Industrial applicability

Claims 1-22 are industrially applicable and therefore comply with PCT Article 33(4).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SG2018/050333

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
US 2017/0245667 A1	31/08/2017	11/01/2017	11/01/2016

US 2017/0145667 A1 was published between the priority date and the international filing date of the present application. This document discloses a cup sleeve for beverage cup comprising one or more rectangular packets comprising one or more multi-purpose wipes which form the cup sleeve. The cup sleeve is formed by adhesively bonding the ends 114 of a single generally rectangular packet 102b together with glue or other adhesive means (para [0110], fig. 10). Figure 10 also shows a generally rectangular packet 102b wherein multi-purpose wipes 105 are contained within (para [0147]).

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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