

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:  
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INVITATION TO PAY ADDITIONAL FEES  
AND, WHERE APPLICABLE, PROTEST FEE  
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

	Date of mailing (day/month/year) <span style="float: right;">31 March 2020 (31-03-2020)</span>
Applicant's or agent's file reference 70835-WOORD1	<b>PAYMENT DUE</b> within <b>ONE MONTH</b> from the above date of mailing
International application No. PCT/US2019/062932	International filing date (day/month/year) <span style="float: right;">25 November 2019 (25-11-2019)</span>
Applicant  WESTROCK PACKAGING SYSTEMS, LLC	

1. This International Searching Authority

(i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:

(ii) therefore considers that **the international application does not comply with the requirements of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:

(iii)  has carried out a partial international search (see Annex)  will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
**see extra sheet**

(iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, the amount indicated below:

<u>EUR 1.775,00</u>	x	<u>1</u>	=	<u>EUR 1.775,00</u>
Fee per additional invention		number of additional inventions		currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee.  
Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 875,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4.  Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer DI MICELI, Giuseppe Tel: +31 (0)70 340-3231
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This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-11, 13

Independent claim 1 relates to an article carrier comprising a plurality of primary panels, the panels including a first and a second panel and a partition structure for dividing the interior into two or more cells, the partition structure being formed from the first panel. Claim 13 deals with a blank for forming such a carrier.

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2. claims: 12, 14

Claim 12 relates to an article carrier comprising a plurality of primary panels, the panels including a first and a second side panel, a medial partition wall interposed parallel between the first and the second side panel and a pair of end closure flaps comprising at least one press-activated locking feature for interconnecting the end closure flaps. Claim 14 deals with a blank for forming such a carrier.

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The prior art has been identified as D1: US 2016/0152389A1.

The common matter linking together the independent claims 1 and 12 is the following:

An article carrier comprising a plurality of primary panels for forming a tubular structure and defining interior of the article carrier, the plurality of primary panels including:

a first panel; and

a second panel opposing the first panel;

wherein the carrier further comprises a partition structure (wording of claim 1) or a medial partition wall (wording of claim 12) for dividing the interior into two or more article-receiving cells.

This common matter is anticipated by the disclosure of document D1.

D1 discloses figures 4 and 5 an article carrier (5) comprising a plurality of primary panels for forming a tubular structure and defining interior of the article carrier, the plurality of primary panels including:

a first panel (15a); and

a second panel (15b) opposing the first panel;

wherein the carrier further comprises a partition structure (wording of claim 1) or a medial partition wall (wording of claim 12) (the partition structure, or the medial partition wall, is identified as the central wall 140 depicted figures 4 and 5) for dividing the interior into two or more article-receiving cells.

Since the common matter is anticipated by D1, the common matter cannot provide a single general inventive concept.

**Invention I (claims 1-11, 13)**

Compared to independent claim 1, D1 discloses an article carrier comprising a plurality of primary panels for forming a tubular structure and defining interior of an article carrier, the plurality of primary panels including:

a first panel 41 (see figures 1 and 4); and

a second panel 15a (see figure 4) opposing the first panel; wherein the carrier further comprises a partition structure for dividing the interior into two or more article-receiving cells, the partition structure being formed from the first panel 41 and comprising:

a lateral partition panel 81 (see figures 1, 6-9) hingedly connected at a proximal end thereof to the first panel by a first fold line 83;

a joint panel (the joint panel is identified in figure 8 as the "right" portion of the hinge ear 143, the portion connected to the glue panel 145 by the fold line 147) hingedly connected to a distal end portion (the distal end portion is identified in figure 8 as the "left" portion of the hinge ear 143, the portion connected to the lateral partition panel 81 by the fold line 91) of the lateral partition panel 81 (Remark: The distinction between the two portions of the hinge ear 143 is also mentioned in paragraph 38 of D1 : "As shown in FIGS. 6-9, the glue tab 145 and a portion of the hinge ear 143 can extend from the lateral fold line 91 on one side of the divider flap 81, and another portion of the hinge ear 143 can extend on an opposing side of the divider flap 81 in the erected carrier 5"); and

a glue panel 145 hingedly connected to the joint panel by a third fold line 147; wherein the joint panel is angled with respect to the distal end portion (the angle can be seen figures 8).

It follows that the following technical feature of claim 1 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT:

The joint panel is hingedly connected to a distal end portion of the lateral partition panel by a second fold line and the length of the joint panel is greater than the length of the end portion.

The problem solved by this special technical feature can therefore be construed as facilitating the flexing of the joint panel and the outward movement of the second panel when containers are inserted.

**Invention II (claims 12, 14)**

Compared to independent claim 2, D1 discloses an article carrier comprising a plurality of primary panels defining an interior of the article carrier, the plurality of primary panels including: first 15a and second opposed side 15b panels for forming a tubular structure, a medial partition wall 140 interposed parallel between the first and second side panels to divide the interior into two or more article-receiving cells, and a pair of end closure flaps 12a 12b which at least partially close one of opposed ends of the tubular structure, wherein the medial partition wall comprises a backing edge (the edge of central bottom flap 45) extending alongside an inside surface of at least one of the end closure flaps.

It follows that the following technical feature of claim 2 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT:

the end closure flaps comprising at least one press-activated locking feature for interconnecting the end closure flaps, and wherein the

backing edge of the medial partition wall has at least one recess defined therealong and arranged in registration with the at least one press-activated locking feature.

The problem solved by this special technical feature can therefore be construed as providing alternative means for interconnecting the end closure flaps.

The problems solved by the two inventions are different. The special technical features of the two inventions are neither the same nor linked. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept.

In conclusion, the groups of claims are not linked by common or corresponding special technical features and define two different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2016/152389 A1 (HOLLEY JR JOHN MURDICK [US]) 2 June 2016 (2016-06-02) paragraphs [0018] - [0050]; figures -----	1-11,13
A	US 2015/321816 A1 (HOLLEY JR JOHN MURDICK [US]) 12 November 2015 (2015-11-12) figures -----	1
A	US 2 575 654 A (CASLER ROGER H) 20 November 1951 (1951-11-20) figures -----	1

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

# Patent Family Annex

Information on patent family members

International Application No <b>PCT/US2019/062932</b>
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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2016152389 A1	02-06-2016	CA 2968364 A1 US 2016152389 A1 WO 2016089625 A1	09-06-2016 02-06-2016 09-06-2016
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US 2015321816 A1	12-11-2015	CA 2947296 A1 EP 3140217 A1 US 2015321816 A1 WO 2015171982 A1	12-11-2015 15-03-2017 12-11-2015 12-11-2015
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US 2575654 A	20-11-1951	NONE	
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Application no:  
Demande n°: PCT/US2019/062932  
Anmelde-Nr:

#### DISCLAIMER

The attached provisional opinion on the patentability of the first invention searched serves only as information.  
A reply addressing the points raised in the opinion is **not** required and will **not** be taken into account when issuing the final search report and opinion on patentability.

#### AVERTISSEMENT

L'avis provisoire ci-joint sur la brevetabilité de la première invention recherchée ne sert qu'à titre d'information.  
Une réponse abordant les points soulevés dans l'avis n'est **pas** nécessaire et ne sera **pas** prise en compte lors de l'établissement du rapport final de la recherche et de l'avis sur la brevetabilité.

#### DISCLAIMER

Die beigefügte vorläufige Stellungnahme zur Patentierbarkeit der ersten geprüften Erfindung dient lediglich zur Information.  
Eine Antwort auf die erhobenen Punkte in der Stellungnahme ist **nicht** erforderlich und bleibt bei der Erstellung des endgültigen Recherchenberichts und der Stellungnahme zur Patentierbarkeit **unberücksichtigt**.

## **Re Item IV**

### **Lack of unity of invention**

This Authority considers that the application does not meet the requirements of unity of invention and that there are 2 inventions.

Invention I (claims 1-11, 13): Independent claim 1 relates to an article carrier comprising a plurality of primary panels, the panels including a first and a second panel and a partition structure for dividing the interior into two or more cells, the partition structure being formed from the first panel. Claim 13 deals with a blank for forming such a carrier.

Invention II (claims 12, 14): Claim 12 relates to an article carrier comprising a plurality of primary panels, the panels including a first and a second side panel, a medial partition wall interposed parallel between the first and the second side panel and a pair of end closure flaps comprising at least one press-activated locking feature for interconnecting the end closure flaps. Claim 14 deals with a blank for forming such a carrier.

The reasons, for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows.

The prior art has been identified as D1: US 2016/0152389A1.

The common matter linking together the independent claims 1 and 12 is the following:

An article carrier comprising a plurality of primary panels for forming a tubular structure and defining interior of the article carrier, the plurality of primary panels including:

a first panel; and  
a second panel opposing the first panel;

wherein the carrier further comprises a partition structure (wording of claim 1) or a medial partition wall (wording of claim 12) for dividing the interior into two or more article-receiving cells.

This common matter is anticipated by the disclosure of document D1.

D1 discloses figures 4 and 5 an article carrier (5) comprising a plurality of primary panels for forming a tubular structure and defining interior of the article carrier, the plurality of primary panels including:

a first panel (15a); and  
a second panel (15b) opposing the first panel;



wherein the carrier further comprises a partition structure (wording of claim 1) or a medial partition wall (wording of claim 12) (the partition structure, or the medial partition wall, is identified as the central wall 140 depicted figures 4 and 5) for dividing the interior into two or more article-receiving cells.

Since the common matter is anticipated by D1, the common matter cannot provide a single general inventive concept.

Invention I (claims 1-11, 13)

Compared to independent claim 1, D1 discloses an article carrier comprising a plurality of primary panels for forming a tubular structure and defining interior of an article carrier, the plurality of primary panels including:

a first panel 41 (see figures 1 and 4); and

a second panel 15a (see figure 4) opposing the first panel; wherein the carrier further comprises a partition structure for dividing the interior into two or more article-receiving cells, the partition structure being formed from the first panel 41 and comprising:

a lateral partition panel 81 (see figures 1, 6-9) hingedly connected at a proximal end thereof to the first panel by a first fold line 83;

a joint panel (the joint panel is identified in figure 8 as the "right" portion of the hinge ear 143, the portion connected to the glue panel 145 by the fold line 147) hingedly connected to a distal end portion (the distal end portion is identified in figure 8 as the "left" portion of the hinge ear 143, the portion connected to the lateral partition panel 81 by the fold line 91) of the lateral partition panel 81

(Remark: The distinction between the two portions of the hinge ear 143 is also mentioned in paragraph 38 of D1 : "As shown in FIGS. 6-9, the glue tab 145 and a portion of the hinge ear 143 can extend from the lateral fold line 91 on one side of the divider flap 81, and another portion of the hinge ear 143 can extend on an opposing side of the divider flap 81 in the erected carrier 5"); and

a glue panel 145 hingedly connected to the joint panel by a third fold line 147; wherein the joint panel is angled with respect to the distal end portion (the angle can be seen figures 8).

It follows that the following technical feature of claim 1 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT:

The joint panel is hingedly connected to a distal end portion of the lateral partition panel by a second fold line and the length of the joint panel is greater than the length of the end portion.

The problem solved by this special technical feature can therefore be construed as facilitating the flexing of the joint panel and the outward movement of the second panel when containers are inserted.

Invention II (claims 12, 14)

Compared to independent claim 2, D1 discloses an article carrier comprising a plurality of primary panels defining an interior of the article carrier, the plurality of primary panels including: first 15a and second opposed side 15b panels for forming a tubular structure, a medial partition wall 140 interposed parallel between the first and second side panels to divide the interior into two or more article-receiving cells, and a pair of end closure flaps 12a 12b which at least partially close one of opposed ends of the tubular structure, wherein the medial partition wall comprises a backing edge (the edge of central bottom flap 45) extending alongside an inside surface of at least one of the end closure flaps.

It follows that the following technical feature of claim 2 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT:

the end closure flaps comprising at least one press-activated locking feature for interconnecting the end closure flaps, and wherein the backing edge of the medial partition wall has at least one recess defined therealong and arranged in registration with the at least one press-activated locking feature.

The problem solved by this special technical feature can therefore be construed as providing alternative means for interconnecting the end closure flaps.

The problems solved by the two inventions are different. The special technical features of the two inventions are neither the same nor linked. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept.

In conclusion, the groups of claims are not linked by common or corresponding special technical features and define two different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

## **Re Item V**

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

- 1 Reference is made to the following document:  
D1 US 2016/152389 A1.
- 2 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claim 1 does not involve an inventive step.
- 2.1 D1 may be regarded as being the prior art closest to the subject-matter of claim 1, and discloses an article carrier comprising a plurality of primary panels for forming a tubular structure and defining interior of an article carrier, the plurality of primary panels including:  
a first panel 41 (see figures 1 and 4); and  
a second panel 15a (see figure 4) opposing the first panel; wherein the carrier further comprises a partition structure for dividing the interior into two or more article-receiving cells, the partition structure being formed from the first panel 41 and comprising:  
a lateral partition panel 81 (see figures 1, 6-9) hingedly connected at a proximal end thereof to the first panel by a first fold line 83;  
a joint panel (the joint panel is identified in figure 8 as the "right" portion of the hinge ear 143, the portion connected to the glue panel 145 by the fold line 147) hingedly connected to a distal end portion (the distal end portion is identified in figure 8 as the "left" portion of the panel or hinge ear 143, the portion connected to the lateral partition panel 81 by the fold line 91) of the lateral partition panel 81 (Remark: The distinction between the two portions of the hinge ear 143 is also mentioned in paragraph 38 of D1 : "As shown in FIGS. 6-9, the glue tab 145 and a portion of the hinge ear 143 can extend from the lateral fold line 91 on one side of the divider flap 81, and another portion of the hinge ear 143 can extend on an opposing side of the divider flap 81 in the erected carrier 5"); and  
a glue panel 145 hingedly connected to the joint panel by a third fold line 147; wherein the joint panel is angled with respect to the distal end portion (the angle can be seen figures 8).
- 2.2 The subject-matter of claim 1 therefore differs from this known article carrier in that the joint panel is hingedly connected to a distal end portion of the lateral partition panel by a second fold line and the length of the joint panel is greater than the length of the end portion.
- 2.3 The problem to be solved by the present invention may therefore be regarded as facilitating the flexing of the joint panel and the outward movement of the second panel when containers are inserted.

- 2.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons. Adding a fold line to the connection between two portions of the hinge ear 143 is for the skilled person an obvious manner to facilitate flexing of the joint panel panels. Regarding the length relations, although the description of D1 is silent about the lengths of the joint panel and the (distal) end portion, figure 8 depicts without any doubts that the joint panel is greater than the distal end portion. In any case, the skilled person would adapt without inventive activity, the lengths of the joint panel and the distal end portion accordingly to ensure that flexing is facilitated and that outward movement of the second panel when containers are inserted is sufficient. Should the movement be limited, he would increase the length of the joint panel and arrive at the solution of claim 1 without inventive step.
- 3 The present application does not meet the criteria of Article 33(3) PCT, because the subject-matter of claim 13 does not involve an inventive step.
- 3.1 D1 may be regarded as being the prior art closest to the subject-matter of claim 13, and discloses figure 1 a blank for forming an article carrier, the blank comprising a plurality of primary panels for forming walls of a tubular structure defining an interior chamber, the plurality of primary panels including:  
a first panel 41; and  
a second panel 15a opposing the first panel;  
wherein the blank further comprises a partition structure for dividing the interior into two or more article-receiving cells, the partition structure being formed from the first panel and comprising:  
a lateral partition panel 41 hingedly connected at a proximal end thereof to the first panel by a first fold line 83;  
a joint panel hingedly connected to a distal end portion of the lateral partition panel; and  
a glue panel (145) hingedly connected to the joint panel by a third fold line (147) ;  
wherein the joint panel is configured to be angled with respect to the distal end portion in a setup carrier and wherein the length of the joint panel is greater than the length of the end portion, see also the assessment of point 2.1 related to claim 1.
- 3.2 The subject-matter of claim 13 therefore differs from this known blank in that a joint panel is hingedly connected to a distal end portion of the lateral partition panel by a second fold line and in that the length of the joint panel is greater than the length of the end portion.

- 3.3 The problem to be solved by the present invention may therefore be regarded as facilitating the flexing of the joint panel and the outward movement of the second panel when containers are inserted.
- 3.4 The solution proposed in claim 13 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the same reasons as the ones mentioned for claim 1.
- 3.5 Dependent claims 2-11 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.
- Regarding claims 2-3, D1 discloses the features listed in claims 2-3, see for example figures 1 and 6-9. The additional features of claims 4, 7, 8 relate to details of fold lines or relief cuts which are commonly used in the field of carriers made of blanks. Hence, the subject-matter of these claims does not involve an inventive step. Regarding claims 5-6, D1 also discloses an abutment between the second panel and the lateral partition panel, see figures 6-9. The additional features of claims 9-10 relate to the collapsibility and erectability of an article carrier. Such a functionality is well known and commonly used in the field of carrier made of blanks. D1 furthermore mentions that the carrier 5 is erected from the blank 3, see paragraph 32. In addition, the wording of claim 10 "automatically erected" is vague and no technical features are mentioned to achieve this automatic erection. Hence, the subject-matter of claims 9-10 does not involve an inventive step. Regarding claim 11, the tubular structure of D1 also discloses an end closed at least in part by one or more bottom panels (see bottom panels 12a, 12b).

### **Re Item VII**

#### **Certain defects in the international application**

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

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 is not mentioned in the description, nor is this document identified therein.

### **Re Item VIII**

#### **Certain observations on the international application**

The description and the claims are unclear. Many technical features are named differently in the description. For example, on page 21 the first panels are associated with the reference signs 14 and 28 and the second panels with the reference signs 18 and 24. Page 22 mentions that the first and second panels are 18 and 24 while a medial partition wall is given the reference signs 14 and 28. The same inconsistency applies to the claims. The application as a whole, the description and the claims are thus totally unclear. The same reference signs and names should have been used for the same technical features.

Claim 10 is not clear because of the wording "automatically erected". This wording is vague and unclear. Claim 10 furthermore does not list any technical features which can achieve this automatic erection.