

# 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/EP2006/061970

International filing date (day/month/year)  
02.05.2006

Priority date (day/month/year)  
03.05.2005

International Patent Classification (IPC) or both national classification and IPC  
INV. A47G19/22 B65D85/62 A47F1/08 B65F1/14

Applicant  
INNTEK SRL

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 or 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.

3. For further details, see notes to Form PCT/ISA/220.


Name and mailing address of the ISA:



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Date of completion of  
this opinion  
see form  
PCT/ISA/210

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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. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - on paper
    - in electronic form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in electronic form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto 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.
4. Additional comments:

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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.

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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	7 8 11-17,
	No: Claims	1-6 9 10 18-26, 29,30
Inventive step (IS)	Yes: Claims	15
	No: Claims	1-14 16-27,29-32
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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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**

**Re Item IV.**

The International Searching Authority considers that there are 2 inventions covered by the claims indicated as follows:

- I: Claims 1 (part) - 23, directed to a system consisting of a glass, pedestal and mobile lighting capsule.
- II: Claims 1 (part), 24-33, directed to a system consisting of a dual function glass dispensing/collecting device and a polyvalent holding support therefor.

The I.S.A. has carried out a partial search which relates to the invention I mentioned above.

The reasons for which the present application has been deemed to contain two inventions which are not linked such that they form a single general inventive concept, as required by Rules 13.1, 13.2 and 13.3, PCT are as follows:

Claim 1 refers to a system which is to be regarded as a claim to an apparatus and not to a method or process. The system claimed has five main elements which are:

- **A glass** conceived for one-way use, appropriately devised with particular technical characteristics allowing it to be coupled onto a suitable pedestal.
- **A pedestal** appropriately devised with particular technical characteristics allowing it to be coupled to the lower portion of the mentioned glass. Said pedestal is also set up to optionally house a mobile lighting capsule.
- **A mobile lighting capsule** as an optional device to be used exclusively for dispensing beverages appropriately devised to interact with a close light source (see W02004103125).
- **A device designed for a dual function** use in regard to **dispensing** the mentioned glasses and to **collecting** them after use.
- **A polyvalent holding support** for the dispensing/collecting device.

These elements are functionally related in two main groups of elements namely:

- I: a glass, a pedestal and a(n optional) mobile lighting capsule.
- II: a dual function device for dispensing/collecting glasses and a polyvalent holding support therefor.

Between these two groups of elements there is no structural relationship defined by way of common Special Technical Features (STF), as required by Rule 13.2 PCT. The fact that the dual function device (II) must be suitable for a glass as defined in (I) also does not imply any technical limitations that could be understood as Special Technical Features.

Furthermore the two groups also relate to solving separate problems, namely:

- I: Constructing a two-part drinking glass that can optionally contain a lighting element.
- II: Constructing a dual function device for dispensing/collecting glasses.

Consequently, neither the objective problem underlying the subjects of the (two) 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, therefore, the two 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 & 13.2 PCT.

As the applicant has paid search fees for both inventions as listed above, the examination has been carried out on all claims..

#### **Re Item V.**

- 1 Reference is made to the following documents:
  - D1 : US 2003/076672 A1 (HEAD HAYDEN) 24 April 2003 (2003-04-24)
  - D2 : US 3 089 605 A (BUONAURO FRANK A) 14 May 1963 (1963-05-14)

- D3 : US 5 842 590 A (GORDON ET AL) 1 December 1998 (1998-12-01)  
D4 : US-A-3 374 344 (RUDOLPH RALPH H ET AL) 19 March 1968 (1968-03-19)  
D5 : EP-A-0 531 147 (THE MEYER COMPANY) 10 March 1993 (1993-03-10)  
D6 : US-A-3 006 503 (O'NEIL JOHN G) 31 October 1961 (1961-10-31)

2 INDEPENDENT CLAIM 1, Invention I

- 2.1 Furthermore, notwithstanding the lack of clarity mentioned under VIII, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

Document D1 discloses a (the references in parentheses applying to this document):

System for dispensing a plurality of beverages to the public, classed as carbonated beverages, energy drinks, soft drinks, long drinks, fruit juices, aperitifs, beers, alcoholics and spirits comprising:

- A glass (202) conceived for one-way use, appropriately devised with particular technical characteristics allowing it to be coupled onto a suitable pedestal.
- A pedestal (204) appropriately devised with particular technical characteristics (212, 214) allowing it to be coupled to the lower portion of the mentioned glass (202). Said pedestal (204) is also set up to optionally house a mobile lighting capsule.
- A mobile lighting capsule (206,208) as an optional device to be used exclusively for dispensing beverages appropriately devised to interact with a close light source.

- 2.2 The present application also does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT with respect to the disclosure of the documents D2-D4.

3. Dependent claims 2-14 and 16-23 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, as they are either disclosed in the documents D1-D4 or can be regard it as normal design options by the skilled person.

4. The combination of the features of dependent claims 7,8,9, 14 and 15 is neither known from, nor rendered obvious by, the available prior art. The reasons are that this combination of features contains all the essential elements enabling an improved connection between the glass and the pedestal. No hints for the skilled person to arrive at such a solution can be found in the available prior art.

5 INDEPENDENT CLAIM 1, Invention II

- 5.1 Furthermore, notwithstanding the lack of clarity mentioned under VIII, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

Document D5 discloses a (the references in parentheses applying to this document):

System for dispensing a plurality of beverages to the public, classed as carbonated beverages, energy drinks, soft drinks, long drinks, fruit juices, aperitifs, beers, alcoholics and spirits comprising:

- a device (10) designed for a dual function use in regard to dispensing the mentioned glasses and to collecting them after use.
- a polyvalent holding support (14) for the dispensing/collecting device.

- 5.2 The present application also does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT with respect to the disclosure of the document D6.

6. Dependent claims 24-27 and 29-32 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, as they are either disclosed in D5 or can be regarded as normal design options by the skilled person.

7. The combination of the features of dependent claims 24, 28, and 33 is neither known from, nor rendered obvious by, the available prior art. The reasons are that this



combination of features contains all the essential elements enabling an improved connection between the conical seating ring and the polyvalent seating support. No hints for the skilled person to arrive at such a solution can be found in the available prior art.

### Re Item VIII

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

1. The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.
  - 1.1 The terms "for dispensing a plurality of beverages to the public, classed as carbonated beverages, energy drinks, soft drinks, long drinks, fruit juices, aperitifs, beers, alcoholics and spirits, as well as *futuristic light-interactive* beverages. **The main objective in actuating this system is a technical-practical, technical-economical, and technical-environmental optimization in relation to the act of dispensing the mentioned beverages to the public, by a coordinated application of particular tools described as follows, in this order**" used in claim 1 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.
  - 1.2 Claim 1 contains a reference to the document WO2004103125. According to Rule 6.2 PCT, claims should not contain such references except where absolutely necessary, which is not the case here. The use of brackets in claims is reserved for reference signs relating to the figures.
  - 1.3 In view of the points above as well as the issue of non-unity referred to above under **Item IV**, claim 1 has been examined in the following form:

System for dispensing a plurality of beverages to the public, classed as carbonated beverages, energy drinks, soft drinks, long drinks, fruit juices, aperitifs, beers, alcoholics and spirits comprising:

    - A glass conceived for one-way use, appropriately devised with particular

technical characteristics allowing it to be coupled onto a suitable pedestal.

- A pedestal appropriately devised with particular technical characteristics allowing it to be coupled to the lower portion of the mentioned glass. Said pedestal is also set up to optionally house a mobile lighting capsule.

- A mobile lighting capsule as an **optional** device to be used exclusively for dispensing beverages appropriately devised to interact with a close light source.

- 1.4 Dependent claims 31-33 refer to features only introduced in dependent claim 24. Therefore these claims involve incorrect claim dependencies.