


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TV2005A-60	FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/EP2006/061970	International filing date (<i>day/month/year</i>) 02.05.2006	Priority date (<i>day/month/year</i>) 03.05.2005
International Patent Classification (IPC) or national classification and IPC INV. A47G19/22		
Applicant INNTEK, S.R.L.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of <u>36</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 2007-03-06	Date of completion of this report 16.08.2007	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Vistisen, Lars Telephone No. +31 70 340-2943	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2006/061970

Box No. I Basis of the report

1. With regard to the **language**, this report is based on

- 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 (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-18 filed with telefax on 28.03.2007

Claims, Numbers

1-20 filed with telefax on 28.03.2007

Drawings, Sheets

1/15-15/15 filed with telefax on 28.03.2007

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages All
- the claims, Nos. All
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
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Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has, within the applicable time limit:
- restricted the claims.
 - 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.
 - neither restricted the claims nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 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. .

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>7 8 11-17 27 31 32</u>
	No: Claims	<u>1-6 9 10 18-26 28, 29,30</u>
Inventive step (IS)	Yes: Claims	<u>15 33</u>
	No: Claims	<u>1-14 16-32</u>
Industrial applicability (IA)	Yes: Claims	<u>1-33</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/EP2006/061970

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 separate sheet

Re Item I

The amendments filed with the letter dated 28/03/2007 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT. Both the claims and the description have been substantially re-written using new terminology, which appear to have no basis in the application as originally filed.

For example the last filed claim 1 contains the features "**dispensing, cup, removable socket**" where the original wording used in claim 1 was "**optimization, glass, pedestal**", entire passages such as "**classed as carbonated beverages, energy drinks, soft drinks, long drinks, fruit juices, aperitifs, beers, alcoholics and spirits....**" left out and new passages such as "**a device fitted with a suitable bracket for wall fastening,....**" introduced.

As a consequence, the new claims have a combination of features which clearly introduces new subject-matter as it was not disclosed in the application as originally filed. Furthermore, it would not be possible to examine the new claims in any case, as they have not been searched.

For the above reasons this preliminary examination report is based on the originally filed set of claims 1-33, supported by the latest set of figures in which no modifications could be detected.

Re Item IV.

The International Searching Authority is of the opinion 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.

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 regarded 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 regard it 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

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.

Claims

1. A delivery apparatus for medical devices, comprising:

an elongate longitudinal flexible middle section delivery device extending intermediate a system proximal portion and a system distal portion, the middle section delivery device having an outer sheath containing a passageway and an elongate compression member extending through the outer sheath passageway and having a proximal end portion and a distal mating end portion;

an inner guide channel member arranged at the system distal portion, the inner guide channel member having a first end portion and a second end portion, the inner guide channel member first end portion including a wire guide entry port and the second end portion including a wire guide exit port, the ports defining a wire guide channel therebetween;

an elongate insert body comprising a distal mating end portion operatively coupled to the inner guide channel member second end portion and a proximal connecting end portion operatively coupled to the inner compression member distal mating end portion, such that the compression member distal mating end portion is proximally displaced from the inner guide channel member second end portion;

an outer guide channel member axially movable relative to the inner guide channel member at the system distal portion, the outer guide channel member including a distal first end portion having an opening and proximal second end portion having an exit port, the first end opening and second end exit port defining a guide channel, and configured to have a stepped profile comprising a first outer diameter intermediate the outer guide channel member first and second end portions and a second smaller outer diameter located at or near the outer guide channel member second end portion;

a self-expanding deployment device mounting region disposed at the system distal portion within the outer guide channel member, the mounting region including a proximal restraint, an inner guide channel member stent platform, and an outer guide channel member inner surface; and

a transition region arranged at the system distal portion proximal to the self-expanding deployment device mounting region, wherein the inner guide channel member exit port is in communication with the outer guide channel member exit port, and having a breach position opening located proximal to the inner guide

channel member exit port.

2. The device of claim 1 wherein the insert body further comprises an entry port at or near the insert mating end portion, an exit port at or near the insert connecting end portion, and the insert body entry and exit ports defining a lumen therebetween in fluid communication with the guide channel of the inner guide channel member.
3. The device of claim 1 wherein a junction operatively couples the insert mating end portion and the inner guide channel member second end portion.
4. An internal joint for use in a medical device, comprising:
 - an elongate inner compression member having a proximal end portion and a distal mating end portion, the inner compression member mating end portion having an engaging surface;
 - an inner guide channel member having a first end portion, a second end portion, and defining a channel therebetween, the second end portion having inner and outer surfaces; and
 - an elongate insert body comprising a distal mating end portion having a first connection operatively coupled to the inner guide channel member second end portion and a proximal connecting end portion having a second connection operatively coupled to the inner compression member distal mating end portion, such that the compression member distal mating end portion is proximally displaced from the inner guide channel member second end portion.
5. The joint of claim 4, wherein at least one of the first connection and second connection comprises a melt bond.
6. The device of claim 5 wherein the insert mating end portion comprises an entry port and inner and outer surfaces, the insert connecting end portion comprises an exit port and inner and outer surfaces, and the ports define a lumen extending therebetween in fluid communication with the channel.
7. The device of claim 6 wherein the first connection comprises the melt bond and operatively couples the insert mating end portion inner surface and the inner guide channel member second end portion outer surface.
8. The device of claim 6 wherein the first connection comprises the melt bond and operatively couples the insert mating end portion outer surface and the inner guide channel member second end portion inner surface.
9. The device of claim 6 wherein the second connection comprises the melt bond and operatively couples the inner compression member distal mating end portion outer engaging surface and one of the insert connecting end portion inner and outer

surfaces.

10. The device of claim 5 further comprising a system proximal portion operatively coupled to the inner compression member proximal end, the system proximal portion further comprising a handle, wherein the elongate inner compression member extends at least about 50.0 cm from the handle to the inner guide channel member.
11. The device of claim 10 wherein the inner guide channel member further comprises a deployment device mounting region for deploying one of a stent, prosthetic valve device, and other implantable article inside a patient's body.
12. The device of claim 5 wherein the melt bond comprises a melt-bonding material selected from the group consisting of nylon, nylon natural tubing, polyether block amide, polyetheretherketone, thermoplastic, thermosetting plastic, resin, polypropylene, polyethylene, polyester, polyamide, ionomer, polycarbonate, polyphenylene oxide, polyphenylene sulphide, acrylic, liquid crystal polymer, polyolefin, polyethylene acrylate acid, polyvinylidene fluoride, polyvinyl, polyvinyl chloride, and polytetrafluorethylene.
13. The device of claim 5 wherein the melt bond provides a pull apart strength of at least 5 Newtons and preferably a pull apart strength of at least 20 Newtons.
14. The joint of claim 4, wherein the distal insert mating end portion is implanted into the inner guide channel member second end portion.
15. The device of claim 14 wherein the insert connecting end portion further comprises an inner compression member connector that operatively couples the insert connecting end portion and the inner compression member distal mating end portion engaging surface.
16. The device of claim 14 wherein the inner guide channel member first end portion has an entry port and the inner guide channel member second end portion has an exit port.
17. The device of claim 14 wherein the insert mating end portion has an inner surface and an outer surface, and wherein the insert mating end portion is implanted between an inner guide channel member second end portion inner surface and an inner guide channel member second end portion outer surface.
18. The device of claim 17 wherein the implanted insert mating end portion forms an inner guide channel member second end portion inner contacting interface and an inner guide channel member second end portion outer contacting interface.
19. The device of claim 18 wherein the inner guide channel member second end

portion inner contacting interface is bonded to the insert mating end portion inner surface.

20. The device of claim 18 wherein the inner guide channel member second end portion outer contacting interface is bonded to the insert mating end portion outer surface.

21. The device of claim 14 wherein the insert mating end portion and insert connecting end portion define a lumen therebetween.

22. The device of claim 21 wherein the insert mating end portion includes an entry port, and wherein the insert connecting end portion includes an exit port.

23. The joint of claim 4, wherein said insert distal mating end portion has an inner diameter, an outer diameter, and a lumen;

said inner guide channel member second end portion has an outer diameter substantially similar to the insert mating end portion inner diameter and being disposed within the insert distal mating end portion lumen;

said joint further comprising an outer sleeve having a first end portion and a mounting end portion and a sleeve lumen extending therethrough, the outer sleeve mounting end portion having an inner diameter substantially similar to the insert mating end portion outer diameter and being concentrically disposed about the insert mating end portion; and

wherein the insert mating end portion, the inner guide channel member second end portion, and the outer sleeve mounting end portion are operatively coupled at a junction.

24. The device of claim 23 wherein the insert mating end portion further comprises inner and outer surfaces and at least one securing portion.

25. The device of claim 24 wherein the inner guide channel member further comprises an outer surface and being substantially aligned with the at least one insert mating end portion securing portion.

26. The device of claim 24 wherein the outer sleeve further comprises an inner surface formed of a melt bonding material and being substantially aligned with at least one insert mating end portion securing aperture.

27. The device of claim 23 wherein the insert mating end portion includes an entry port, and wherein the insert connecting end portion includes an exit port.