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Datum/Date  
**26. 02. 98**

Zeichen/Ref./Réf. <b>TECNI.009</b>	Anmeldung Nr./Application No./Demande n° /Patent Nr./Patent No./Brevet n°. <b>96101187.1-1260/</b>
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire <b>TECNIPLAST GAZZADA S.a.r.l.</b>	

**COMMUNICATION PURSUANT TO ARTICLE 96(2) AND RULE 51(2) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of *four* months

from the notification of this communication, this period being computed in accordance with Rules 78(3) and 83(2) and (4) EPC.

Amendments to the description, claims and drawings are to be filed where appropriate within the said period in **three** copies on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).

Primary examiner for the  
Examining Division

VON ARX V U

Enclosures: *3* page(s)  
reasons (Form 2906)

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Primary Examiner: 2464  
(Questions on substantive examination)  
Formalities Officer: *3354*  
(Matters relating to formalities including extension of time limits)  
Examiners' Clerk: *3123*.....  
(Other questions)



REGISTERED LETTER

EPO Form 2001 11.96	7053050	21/02/98



Beschuld/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
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The examination is carried out on the following application documents:

**The application documents as originally filed**

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1. **The present application does not meet the requirements of Article 52 (1) EPC because the subject-matter of independent claim 1 is not new** in the sense of Article 54 (1) and (2) EPC:
  - 1.1. Document US-A-5000120, which is considered to represent the most relevant state of the art, discloses (see the whole document) a container for animal breeding suitable for insertion in a support framework and comprising a discoid seal valve (57) applied to a first hole pierced in a wall of said container, actuated by a nozzle (31), which is integral with the support framework, and which is fit for blowing air at slightly above atmospheric pressure into said container, and sealing means (71) fitted into a second hole pierced in said wall of said container, which is opened by the end portion of drinking trough (43) integral with said support framework. Said seal valve (57) projects only slightly in respect of said wall of said container, while the said sealing means (71) does not project at all in respect of the said inner wall of said container.
  - 1.2. It appears that the subject matter as presently phrased in independent claim 1 is not unambiguously distinguishable from the US-A-5000120 container. Said subject matter is hence not new and claim 1 is not allowable.
  - 1.3. It would appear that the presently claimed invention differs from the prior art by the specific construction of seal valve 3 and of sealing means 5, resulting in the aimed effect as envisaged on page 5, line 10 to 14 of the description. It is therefore proposed to include the constructional features of said seal valve 3 and of said sealing means 5 into the present independent claim 1.



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This would mean that the features of present dependent claims 7 and 12 are to be incorporated in the present claim 1.

- 1.4. If the applicant agrees with this proposal and is of the opinion that these features could indeed support the patentability of the independent claim 1, a new independent claim should be drafted to include these features, bearing in mind that, to meet the requirements of Rule 29(1) EPC, the new independent claim should be properly cast in the two part form, with those features which in combination are part of the prior art (see document US-A-5000120) being placed in the preamble.

If the applicant is of the opinion that a two-part form of claim would be inappropriate he is invited to provide reasons in his reply. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of the independent claim are known from document US-A-5000120, see Guidelines C- III, 2.3b.

2. The applicant is requested to file new claims and description taking account of the above and of the following comments:
- 2.1. The application does not meet the requirements of Article 84 EPC, because dependent claims 2 to 4, 6 and 17 are not clear:
- 2.1.1. Said dependent claims 2 to 4, 6 and 17 are directed to technical features of nozzles 4 and 4'. However, the presently claimed invention concerns clearly and solely a container for animal breeding and is presented accordingly in the main claim, i.e. independently of any support framework. See also the description, page 7, lines 1 to 5. The support framework and its different parts, e.g. nozzles 4 and 4' and drinking trough 6 are not part of the claimed invention, and may therefore not be used to define the claimed invention (Article 84, Guidelines, part C, III, 4.8).



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- 2.1.2. The applicant is therefore requested either to amend the application such that a combination "container - support framework" is claimed, or to remove all definitions of container parts in function of framework parts and vice versa from the application.
- 2.2. The description must be brought into conformity with the new claims to be filed; care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed, Article 123(2) EPC.
- 2.3. To meet the requirements of Rule 27(1)(b) EPC, the document US-A-5000120 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 2.4. The statement in the description at page 12, lines 23 to 26 is inconsistent with the definition of the matter for which protection is sought, contrary to Article 84 EPC. The statement should therefore be deleted.
- 2.5. The applicant is requested to file amendments by way of replacement pages, avoiding unnecessary recasting of the description. The applicant should also take account of the requirements of Rule 36(1) EPC. In particular, fair copies of the amendments should be filed in triplicate. If handwritten amendments are submitted, they should be clearly legible for the printer.
- 2.6. In order to expedite the procedure the applicant is requested to indicate in his reply where there is a basis for the amendment in the application as originally filed.

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Vik von Arx  
 Examiner, European Patent Office