

The Practicalities of Patenting

presented to GBSA

24th April 2015

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Barrister at Law

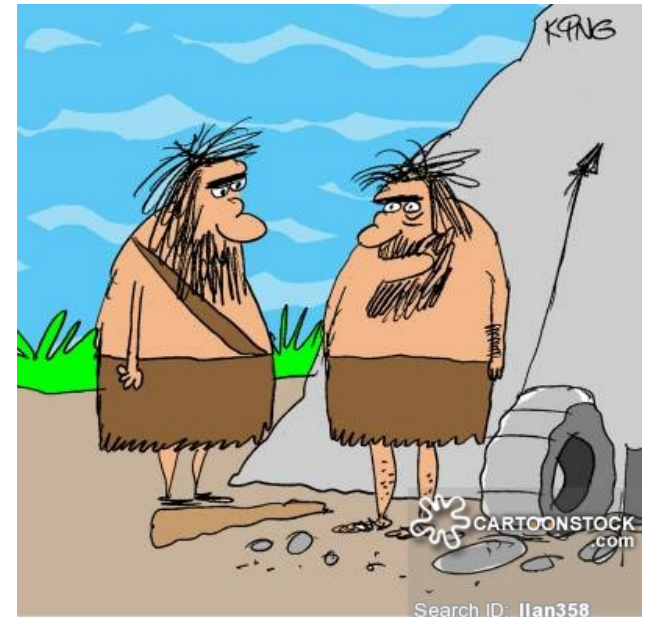
Protecting Innovation

Trademarks
Registering Designs



"After fire and the wheel, it was only logical to invent the patent attorney."

Patents



"Yeah, Org invented the wheel, but I invented the patent."

Why Protect?



"Inventing it was easy. The hard part will be to monetize it."

Monetize
which will involve
Engineering
Legal
& Business
Skill Sets

Inventors

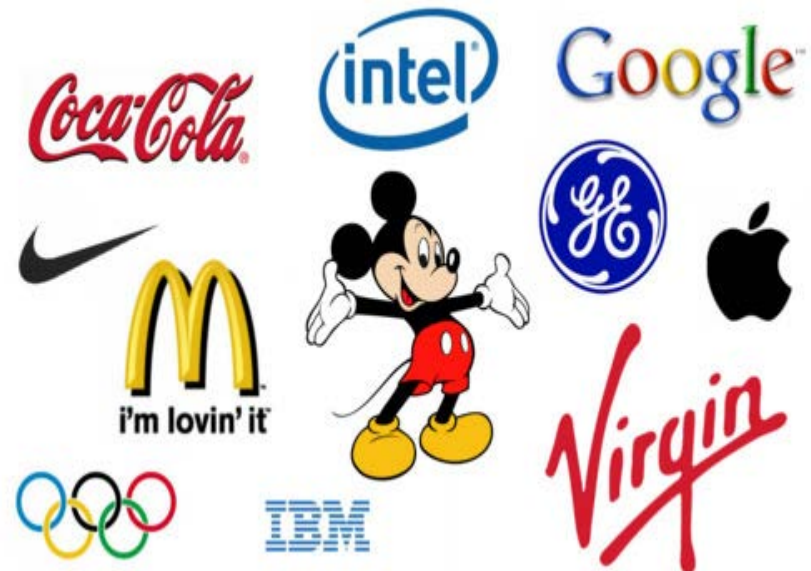
- Best Mousetrap Ever Designed
- Global Domination
- Enthusiasm and Impatience
- Overlooking the Obvious
- Paranoia.....Legal Advice

- **NDA**

Trademark

The Trade Marks Act, 1996 defines a trade mark as "any sign capable of being represented graphically which is capable of distinguishing the goods or services of one undertaking from those of other undertakings"

Under Section 8(1) trademarks must have distinctive character, may not indicate the type of good or service, do not use customary words, phrases or State emblems and cannot be against Public Morality or deceptive



Apply to Patents Office , Kilkenny

Application Fee €70

Registration Fee €177

Ten Year Renewal Fee €250

European Trademark
Registration in 28
Countries Via OHIM

Fee €900 for 5 years

Trademark published in Patents Office Journal

Importance of Trademarks

McCambridges v Brennans Supreme Court [2012]

Mc Donalds v Supermacs (2015)

McDonalds v McCurry (2009)

McDonalds v McBrat (2006)

McKebab, McSalad, Big Mac, Big Xtra, McCkicken, McNuggett, McMuffin
McWorld, Mac Tonight, MacCoffee, MacAttack

January 2015 US Federal Court overturned USPTO's refusal to register
"Newbridge Home"...



Design Registration

Design

'The appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation'.

Benefits of design registration

- Protect the appearance of your products against copying and infringement

- Build an asset

- Create a portfolio of designs and other IP rights

- Define your rights

- Prevent counterfeiting and fraud

Office of Harmonisation of the Internal Market ,OHIM

Council Regulation (EC)No. 6/2002 on Community Design

Unregistered Design 3 year protection and cannot be extended

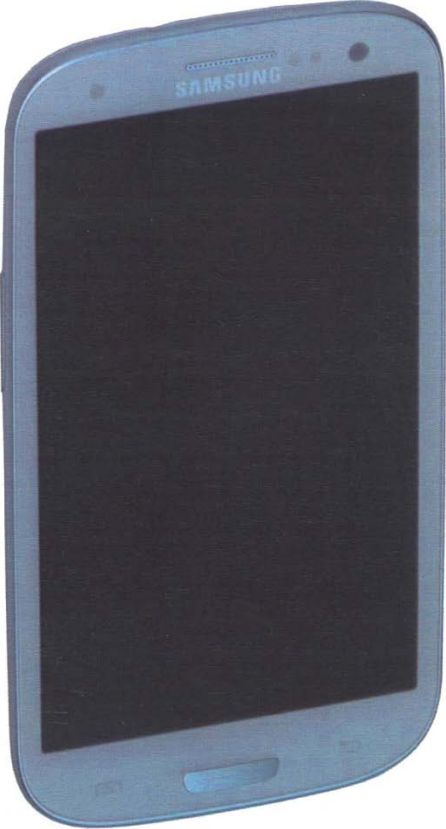
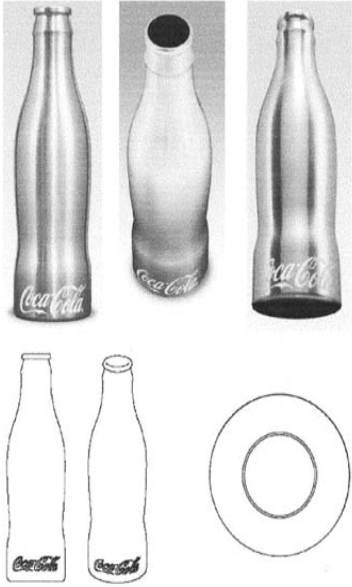
Registered Design 5 year protection extendable to 25 years

Fee €350 for 5 years

The design must be new and possess individual character



Coca Cola and Samsung Registered Designs



Patents and Why Patent?

Commercial Potential..... monopoly on the innovation, deterrent to competitors

Royalties via licensing to third parties

Added Value..... patents add value to a company and are company assets

Competitive Advantage...first to market, can delay competitor's entry.

Usually last for 20 years

Apple v Samsung resulting in \$120million pay out to Apple. Seven patents at issue .

Wright Brothers v Glenn Curtis

Kelloggs vs National Biscuits

Howe v Singer

European Patents

European Patent Convention (EPC2000) Art 52(1)

- (1) European patents shall be granted for any inventions which are susceptible of industrial application, which are new and which involve an inventive step.
- (2) The following in particular shall not be regarded as inventions within the meaning of paragraph 1:
 - (a) discoveries, scientific theories and mathematical methods;
 - (b) aesthetic creations;
 - (c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers;
 - (d) presentations of information.
- (3) The provisions of paragraph 2 shall exclude patentability of the subject-matter or activities referred to in that provision only to the extent to which a European patent application or European patent relates to such subject-matter or activities as such.
- (4) Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body shall not be regarded as inventions which are susceptible of industrial application within the meaning of paragraph 1. This provision shall not apply to products, in particular substances or compositions, for use in any of these methods.

Inventive Step European Patent

Inventive Step

Art 56 European Patent Convention

An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.

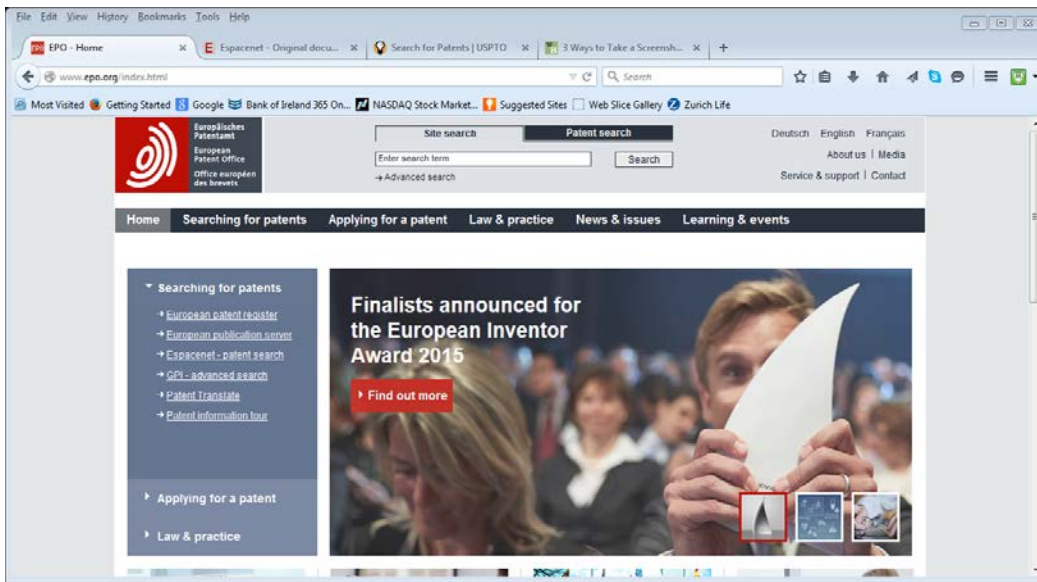
Art 33(3) PCT

For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art.

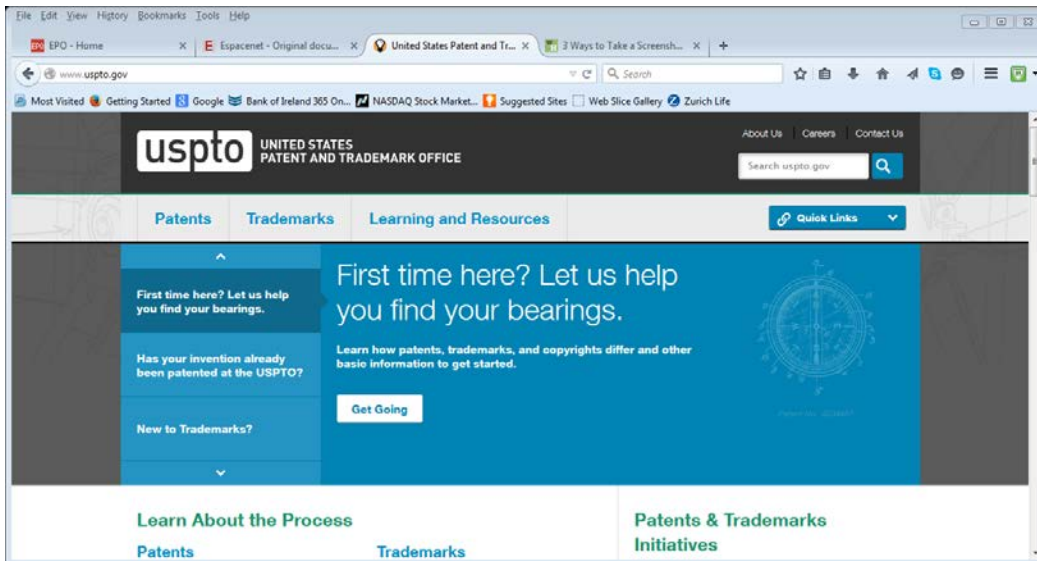
US Patent

US Patent
35 USC 103

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made



European Patent Office (EPO)



US Patent Office (USPTO)

US Search Interface

The screenshot shows a web browser window with the URL `patft.uspto.gov/netahhtml/PTO/search-bool.html`. The page title is "USPTO PATENT FULL-TEXT AND IMAGE DATABASE". Below the title are navigation buttons: Home, Quick, Advanced, Pat Num, Help, and View Cart. A notice states "Data current through April 21, 2015..". The search interface includes two search terms, each with a text input field and a dropdown menu for "in Field" (set to "All Fields"). A dropdown menu for "AND" is positioned between the two terms. Below the search fields is a "Select years" dropdown menu (set to "1976 to present [full-text]") and "Search" and "Reset" buttons. A red notice at the bottom states: "Patents from 1790 through 1975 are searchable only by Issue Date, Patent Number, and Current US Classification. When searching for specific numbers in the Patent Number field, patent numbers must be seven characters in length, excluding commas, which are optional."

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patft.uspto.gov/netahhtml/PTO/search-bool.html Search

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View Cart

Data current through April 21, 2015..

Query [\[Help\]](#)

Term 1: in Field 1: All Fields

AND

Term 2: in Field 2: All Fields

Select years [\[Help\]](#)

1976 to present [full-text]

Search Reset

Patents from 1790 through 1975 are searchable only by Issue Date, Patent Number, and Current US Classification.
When searching for specific numbers in the Patent Number field, patent numbers must be seven characters in length, excluding commas, which are optional.

Espacenet Search Interface

The screenshot shows the Espacenet Advanced Search interface in a web browser. The browser's address bar displays the URL `worldwide.espacenet.com/advancedSearch?locale=en_EP`. The page header includes the Espacenet logo, the text "Espacenet Patent search", and language options: "Deutsch", "English", and "Français". A "Change country" dropdown menu is also present. Below the header, there is a navigation bar with tabs for "Search", "Result list", "My patents list (0)", "Query history", "Settings", and "Help".

The main content area is titled "Advanced search" and features a search form. The form includes a dropdown menu for selecting the collection to search in, currently set to "Worldwide - collection of published applications from 90+ countries". Below this, there are three input fields for search terms:

- Title:**
- Title or abstract:**
- Publication number:**

On the left side of the page, there is a sidebar with a "Smart search" menu containing "Advanced search" (selected) and "Classification search". Below this is a "Quick help" section with several links:

- [How many search terms can I enter per field?](#)
- [How do I enter words from the title or abstract?](#)
- [How do I enter words from the description or claims?](#)
- [Can I use truncation/wildcards?](#)
- [How do I enter publication, application, priority and NPL reference numbers?](#)
- [How do I enter the names of persons and organisations?](#)
- [What is the difference between the IPC and the CPC?](#)

European Patent Search

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worldwide.espacenet.com/searchResults?submitted=true&locale=en_EP&DB=EPODOC&ST=advanced&TI=ven Search

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Quick help

- Can I subscribe to an RSS feed of the result list?
- What does the RSS reader do with the result list?
- Can I export my result list?
- What happens if I click on "Download covers"?
- Why is the number of results sometimes only approximate?
- Why is the list limited to 500 results?
- Can I deactivate the highlighting?
- Why is it that certain documents are sometimes not displayed in the result list?
- Can I sort the result list?
- What happens if I click on the star icon?
- What are XP documents?
- Can I save my query?

Related links

11 results found in the worldwide database for:
vented waste in the title

Sort by: Sort order:

1. **Ergonomic Vented Waste Container Apparatus**

Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
★ SELF BRETT [US]	SELF BRETT [US]	B65F1/068 B65F2210/1815 B65F2250/114	B65F1/12	US2014131370 (A1) 2014-05-15	2012-11-09

2. **Waste storage device with vented rotatable cassette for dispensing tubing**

Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
★ CUDWORTH NICHOLAS	SANGENIC INTERNATIONAL LTD	B65B67/1277 B65B9/13 B65F1/062 (+2)	B65F1/00 B65F1/06 B65F1/14	NZ589324 (A) 2013-04-26	2008-05-19

3. **VENTED RECEPTACLE FOR STORING A PLURALITY OF WASTE TYPES**

Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
★ PRENDERGAST MICHAEL [IE]	PRENDERGAST MICHAEL [IE]	B65F1/06 B65F1/085 B65F1/1468 (+3)	B65F1/08 B65F1/14 B65F1/16	EP2768748 (A1) 2014-08-27	2011-09-30

4. **INTEGRATED SYSTEM FOR THE EXTRACTION, INCINERATION AND MONITORING OF WASTE OR VENTED GASES**

Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
★ APPLE ROBERT B [US] BUTLER NEIL A [GB] (+3)		E21B41/00 E21B43/006 E21F7/00	E21B34/02 E21B43/00 E21B43/12	US2011132592 (A1) 2011-06-09	2009-11-06

US Patent Search

The screenshot shows a web browser window displaying the USPTO Patent Full-Text and Image Database search results. The browser's address bar shows the URL: `patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnetacgi%2FPTO%2Fsearch-bo`. The page title is "USPTO PATENT FULL-TEXT AND IMAGE DATABASE". Below the title are navigation buttons: "Home", "Quick", "Advanced", "Pat Num", "Help", "Bottom", and "View Cart". The search results section shows "Searching US Patent Collection..." and "Results of Search in US Patent Collection db for: TTL/vented AND TTL/waste: 4 patents. Hits 1 through 4 out of 4". There is a "Jump To" button and a "Refine Search" button with the search criteria "TTL/vented AND TTL/waste". The results are listed in a table with columns "PAT. NO." and "Title".

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[Bottom](#) [View Cart](#)

Searching US Patent Collection...

Results of Search in US Patent Collection db for:
TTL/vented AND TTL/waste: 4 patents.
Hits 1 through 4 out of 4

Jump To

Refine Search

PAT. NO.	Title
1 D539,078	Vented baffle for food waste disposer
2 5,899,468	Organic waste cart with vented lid
3 5,803,303	Vented foot held waste basket
4 4,760,207	Recovery of ethylene, chlorine and HCl from vented waste gas from direct chlorination reactor

WIPO Patent

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worldwide.espacenet.com/publicationDetails/originalDocument?FT=D&date=20130425&DB=EPODOC&locale=en_EI Search

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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
25 April 2013 (25.04.2013)



(10) International Publication Number
WO 2013/056860 A1

(51) International Patent Classification:
B65F 1/08 (2006.01) B65F 1/16 (2006.01)
B65F 1/14 (2006.01)

(21) International Application Number:
PCT/FP2012/059927

(22) International Filing Date:
28 May 2012 (28.05.2012)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
13/200,748 19 October 2011 (19.10.2011) US

(72) Inventor; and
(71) Applicant: PRENDERGAST, Michael [IE/IE]; lia fail, cappagh rd, galway (IE).

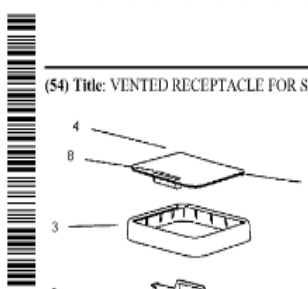
(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ,

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:
— with international search report (Art. 21(3))
— with amended claims (Art. 19(1))

(54) Title: VENTED RECEPTACLE FOR STORING A PLURALITY OF WASTE TYPES

(57) Abstract: A waste segregation and recycling receptacle compartmentalized so as to receive and store different types of recyclable, biodegradable and non-recyclable waste. The receptacle consists of an upright outer open-top vessel (1), several insertable and removable upright inner open-top vessels (2) seated within the outer vessel (1), and a removable top cover (3). The inner vessels (2) are supported within the outer vessel (1) with the aid of flanges (7) which extend along the tops of the sides of the inner vessels (2) and rest on the rims (10) of the side walls of the outer vessel (1). The outer vessel (1) is humanly transportable and incorporates a carrying handle (5). The removable top cover (3) consists of a frame



US Patent

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US 20130082052A1

(19) **United States**
(12) **Patent Application Publication** (10) **Pub. No.:** US 2013/0082052 A1
Prendergast (43) **Pub. Date:** Apr. 4, 2013

(54) **HOUSEHOLD WASTE MANAGEMENT CENTRE** (52) **U.S. CL.**
USPC 220/23.88; 220/8.10; 220/601

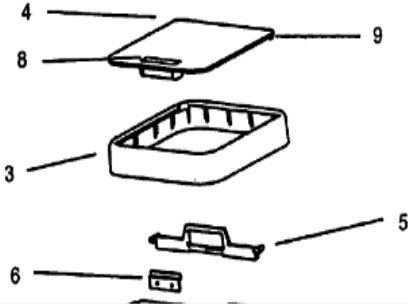
(75) **Inventor:** Michael Gerard Prendergast, Galway (IE)
(73) **Assignee:** Michael Prendergast, Galway (IR)

(21) **Appl. No.:** 13/200,748
(22) **Filed:** Sep. 30, 2011

Publication Classification

(51) **Int. Cl.**
B65D 21/02 (2006.01)
B65D 25/30 (2006.01)
B65D 43/16 (2006.01)

(57) **ABSTRACT**
A waste segregation and recycling receptacle which can receive and store different types of recyclable, biodegradable and non-recyclable waste. The receptacle contains an upright outer open-top vessel, several insertable and removable upright inner open-top vessels, seated within the outer vessel, and a removable top cover with a lid. Flanges along the tops of the inner vessels can rest on the top rims of the side walls of the outer vessel and retain the inner vessels within the outer vessel. The flanges also allow for the retaining and supporting of thin-walled non self supporting collection bags within the inner vessels if required. The outer vessel can be easily lifted and carried for emptying. The receptacle can be free standing or integrated into kitchen units, and its design reduces the odours and leachate normally associated with bio-waste.



The diagram shows an exploded view of the waste management centre. Part 3 is the outer vessel, a rectangular tray with a raised rim. Part 4 is the top cover with a lid. Part 5 is a handle or support structure. Part 6 is a small rectangular component. Part 8 is a flange or rim. Part 9 is a component that fits into the outer vessel. The diagram illustrates how these parts assemble to form the waste management centre.


Patent Drafting



“The patent agent needs to understand the differences between three legal constructs related to patents: inventions, embodiments and claims.

An “invention” is a mental construct inside the mind of the inventor and has no physical substance. An “embodiment” of an invention is a physical form of the invention in the real world. The “claims” must protect at least an “embodiment” of the invention – but the best patent claims will protect the “invention” itself so that no physical embodiments of the invention can be made, used or sold by anyone without infringing the claims”

Typical Patent Specification

(19)  **Europäisches Patentamt**
European Patent Office
Office européen des brevets



(11) **EP 0 943 737 A1**

(12) **EUROPEAN PATENT APPLICATION**

(43) Date of publication:
22.09.1999 Bulletin 1999/38

(51) Int Cl.⁶: **E02B 11/00**

(21) Application number: **99200704.7**

(22) Date of filing: **09.03.1999**

(84) Designated Contracting States:
AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU
MC NL PT SE
 Designated Extension States:
AL LT LV MK RO SI

(72) Inventor: **Besten, Marcus Wilhelmus Johannes**
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(30) Priority: **18.03.1998 NL 1008627**

(71) Applicant: **WAVIN B.V.**
8011 CW Zwolle (NL)

(54) **Irrigation and drainage box**

(57) An irrigation and/or drainage box 1 comprises a base 2 which is provided with perforations and side walls 3, 4 which are provided with perforations and are substantially perpendicular to the base 2 and integrally connected thereto. The box 1 is open on the side which lies opposite the base 2. The box 1 furthermore comprises columns 7, 8 which extend substantially vertically from the base 2 towards the open side. On the open side, the box 1 is designed in such a manner that two identical boxes can be placed with the open sides towards one another and can be connected to one another

without the need for further accessories. For this purpose, at least some of the columns 7, 8 are provided, on the open side of the box 1, with first connection parts in the form of projections 9, and other columns are provided, on the open side of the box 1, with second connection parts in the form of cavities 10, in which case, when two boxes are placed with the open sides towards one another, first connection parts 9 of one box are able to interact with second connection parts 10 of the other box in order to form a connection between the two boxes.

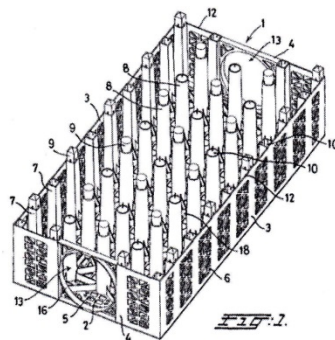


Fig. 1

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5

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6

which lies opposite the base, and furthermore comprising columns which extend substantially vertically from the base towards the open side, characterized in that the box is designed, on the open side, in such a manner that two identical boxes can be placed with the open sides towards one another and can be connected to one another without the need for further accessories.

9. Irrigation and/or drainage box according to one of claims 1-8, characterized in that at least one of the side walls is provided with an opening in which a pipe part can be placed.

2. Irrigation and/or drainage box according to claim 1, characterized in that at least some of the columns are provided, on the open side of the box, with first connection parts, and other columns are provided, on the open side of the box, with second connection parts, in which case, when two boxes are placed with the open sides towards one another, first connection parts of one box are able to interact with second connection parts of the other box in order to form a connection between the two boxes.

10. Irrigation and/or drainage box according to claim 9, characterized in that the opening is provided with a grate.

11. Irrigation and/or drainage box according to claim 10, characterized in that the grate is removable.

12. Irrigation and/or drainage box according to one of claims 9-11, characterized in that two side walls which lie opposite one another are provided with an opening.

13. Irrigation and/or drainage box according to one of claims 1-12, characterized in that the ratio between the length and the width of the box is 2:1.

3. Irrigation and/or drainage box according to claim 1 or 2, characterized in that the first connection parts are formed by projections which lie at the free end of the columns in question and form an extension of these columns, and the second connection parts are formed by cavities which are formed in the free end section of the columns in question, in which case, when two boxes are placed with the open sides towards one another, projections on columns of one box fit into cavities in columns of the other box.

14. Irrigation and/or drainage box according to claim 13, characterized in that the columns are provided with connection parts and positioned in such a manner that two boxes can be placed against one another with their longitudinal axes parallel to one another so that they completely overlap, but also with their longitudinal axes perpendicular to one another.

4. Irrigation and/or drainage box according to claim 2 or 3, characterized in that the connection between a first and a second connection part is a click-fit or clamp-fit connection.

15. Irrigation and/or drainage unit comprising two boxes according to one or more of claims 1-14 which have been placed with the open sides towards one another and have been connected to one another.

5. Irrigation and/or drainage box according to one of claims 1-4, characterized in that the box is provided with columns which adjoin and are integral with the side walls and are of planar design at least on the side which adjoins the side walls.

16. Irrigation and/or drainage system comprising a plurality of boxes according to one or more of claims 1-14.

6. Irrigation and/or drainage box according to claim 5, characterized in that the planar side of a column which is integral with a side wall lies in the same plane as the outer side of the side wall in question.

7. Irrigation and/or drainage box according to one of claims 1-6, characterized in that the base and the side walls of the box are of substantially planar design on the outer side of the box.

8. Irrigation and/or drainage box according to one of claims 1-7, characterized in that columns which do not adjoin the side walls are substantially round in cross section.

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4

Priority Date

Date of First Filing of a Patent Application

Clock starts ticking

Must have been no prior public disclosure....Golden Rule

Where to File

Patent Cooperation Treaty (PCT) allows the Applicant to file a patent in 140 countries for up to 30 months post priority date, once the PCT application has been filed within 12 months of priority date.

File in patent office of country of interest

File in a Regional Patent Office

File using the PCT through regional offices EPO, USPTO etc.

Examination & Searches

Once patent is lodged with a Patent Office, fees will be requested for various stages in the process to include

Irish Patent Office €400 including search

PCT

Transmittal fee, search fee, International Filing Fee..... Circa €3k

Additional EPO fees if designated office

Designation fee, examination fee, claims fee, renewal fee.....Circa €2k

USPTO

Application fees, search fees.....Circa \$1.5k

USPTO Search results

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 https://ppair.uspto.gov/pair/view/BrowsePdfServlet?objectId=H5ME8Y2APXXIFW4&lang=DINO

File: 13200748 Page No.: 1 of 1 pages List of references cited by examiner

Page: 1 of 1 Automatic Zoom

*	A	US-4,878,592	11-1989	Lee, Norman C.	220/23.83
*	B	US-6,196,407	03-2001	Liu, Kun-Hei	220/263
*	C	US-5,143,246	09-1992	Johnson et al.	220/524
*	D	US-5,111,958	05-1992	Withhoeft, Carol A.	220/524
*	E	US-4,893,719	01-1990	Lombardi et al.	220/23.4
*	F	US-5,118,173	06-1992	Proctor et al.	312/213
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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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USPTO OFFICE ACTION

Office Action Summary	Application No. 13/200,748	Applicant(s) PRENDERGAST, MICHAEL GERARD	
	Examiner JEFFREY ALLEN	Art Unit 3781	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 7/25/2014.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) Claim(s) 16 is/are pending in the application.
 5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) Claim(s) _____ is/are allowed.

7) Claim(s) 16 is/are rejected.

8) Claim(s) _____ is/are objected to.

9) Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/iph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) The specification is objected to by the Examiner.

11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) All b) Some** c) None of the:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
 Paper No(s)/Mail Date _____

3) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

4) Other: _____

PCT ISA Search Results

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

From the INTERNATIONAL SEARCHING AUTHORITY

To: PRENDERGAST, Michael
Lia Fall
Cappagh Rd
Galway
IRLANDE

Date of mailing (day/month/year) 29 October 2012 (29-10-2012)

Applicant's or agent's file reference mybin

International application No. PCT/EP2012/059927

Applicant PRENDERGAST, Michael

FOR FURTHER ACTION See paragraphs 1 and 4 below

International filing date (day/month/year) 28 May 2012 (28-05-2012)

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international Application (see Rule 46).
When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No. (41-22) 338 82 70
For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 30bis.1 and 30bis.2).

Within 18 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 18 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the International Searching Authority
European Patent Office, P.B. 5818 Patentaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040
Fax: (+31-70) 340-3016

Authorized officer
GÄHTNER, Sabine
Tel. +31 (0)70 340-2353

Form PCT/ISA/220 (July 2010)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2012/059927

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2004087537	A1	14-10-2004	EP 1615845 A1 18-01-2006 NL 1023109 A1 08-10-2004 NL 1023109 C2 01-11-2004 WO 2004087537 A1 14-10-2004
US 5899468	A	04-05-1999	CA 2253317 A1 10-05-2000 CA 2665844 A1 10-05-2000 US 5899468 A 04-05-1999
EP 1602600	A1	07-12-2005	AU 2005249693 A1 15-12-2005 CA 2566989 A1 15-12-2005 EP 1602600 A1 07-12-2005 HK 1105939 A1 02-12-2011 JP 2008501593 A 24-01-2008 US 2007228046 A1 04-10-2007 WO 2005118434 A1 15-12-2005
DE 8806132	U1	15-09-1988	NONE
US 2010193534	A1	05-08-2010	CA 2694829 A1 02-08-2010 US 2010193534 A1 05-08-2010

From PCT/ISA/210 (patent family annex) (April 2005)

PCT OPINION

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.
PCT/EP2012/059927

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 documents:
D1: WO-A-2004 087 537
D2: US-A-5 899 468
- 2 D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses a receptacle for the segregation and storing of a plurality of waste types, comprising an outer open top vessel having side walls and a bottom wall, and inner smaller open top vessels, each having side walls, a bottom wall and flanges for the supporting of the vessels themselves within the outer vessel, at least one of the inner open top vessel being vented.
- 3 The subject-matter of claim 1 therefore differs from this known receptacle in that the outer top vessel is vented, that all inner smaller open top vessels are vented, that the flanges are as well for the retention of bags with flexible walls within the inner vessels, by a removable top cover compatible with the top rim of the outer vessel having a vented lid hinged within the top cover, and by a carrying mechanism allowing for the manual transportation of the receptacle, and is therefore new (Article 33(2) PCT).
- 4 The problem to be solved by the present invention may be regarded as how to improve such a known receptacle.
- 5 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) as this solution to the problem is not found nor suggested by the prior art as cited in the search report.
- 6 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claim 8, which is however not a properly defined method claim, see points 17 and 18.

2 months from date of issue of
ISA opinion to file amended
claims

18 months from priority date
Patent published by International
Bureau

Entry into Regional/National
phase 30 months from priority
date

SUBSTANTIVE EXAMINATION:

The European Patent Office issues a substantive examination report. A typical reply period is 4 months from date of issue although extensions are available.

GRANT PROCEDURE:

The European Patent Office issues a communication setting out the text in which it intends to grant the patent (the Rule 71(3) EPC communication). Translations of the granted claims only into two other languages (usually French and German) need to be filed so that the granted specification has claims in all 3 European languages.

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NATIONAL VALIDATION:

After grant, the European patent must be “validated” in each national member state in which protection is to continue. Typically validation consists of filing a translation into the national language of that state and paying official fees to the national patent office. Having now left the European Patent Convention procedure, the European patent is now a bundle of individual national patents, and renewal fees are payable on each national patent separately.

OPPOSITION:

The patent is open to opposition for a period of 9 months from the date of grant.

Unitary Patent

Agreement reached in January 2013 on the Introduction of a single European Patent Court . To date it has been ratified by 6 of the 28 EU countries.

http://www.tomkins.com/uploads/what-we-do/european_patents__the_grant_procedure.pdf