Patents Act 1977 **Opinion Number** **11/25**

OPINION UNDER SECTION 74A

Patent	GB 2582658 B
Proprietor(s)	Salts Healthcare Limited
Exclusive Licensee	
Requester	Hollister Incorporated
Observer(s)	
Date Opinion issued	18 December 2025

The request

1. The comptroller has been requested by Hollister Incorporated ("the requester") to issue an opinion as to whether GB 2582658 B ("the patent") is invalid on the grounds of a lack of novelty and/or inventive step. The request was filed on 25 September 2025 and was accompanied by a statement explaining the request.

2. The following supporting evidence was supplied by the requester:

D1: JP 2018192162 A (and D1T: an English language translation of D1, which is assumed to be an accurate translation for the purposes of formulating this opinion)

D2: ACS Applied Materials & Interfaces, 2016, Vol. 8, Alexander et al., "Branched hydrocarbon low surface energy materials for superhydrophobic nanoparticle derived surfaces", pp. 660 - 666

D3: WO 2014/019809 A1

D4: AEROSIL® 805 information sheet from Evonik Industries (August 2013)

D5: AEROXIDE® ALU C 805 information sheet from Evonik Industries (August 2014)

D6: US 2013/0081555 A1

D7: AEROXIDE® TiO2 T 805 information sheet from Evonik Industries (August 2015)

D8: EP 2858492 B1

D9: US 2012/0308662 A1

3. The requester considers that the patent is anticipated by D1 and/or lacks an inventive step in view of D1 or the combined teaching of D1 and D2. Documents D3 - D9 were provided as supporting evidence.

Observations

4. No observations were received.

The patent

5. The patent was filed on 29 March 2019 and granted on 19 October 2022. It relates to ostomy pouches, which are medical devices for the collection of body waste from a stoma. The patent describes how ostomy pouches typically comprise a collection bag having a pair of opposed side walls formed from a polymeric film (41, 42, figure 4), and a baseplate (44).

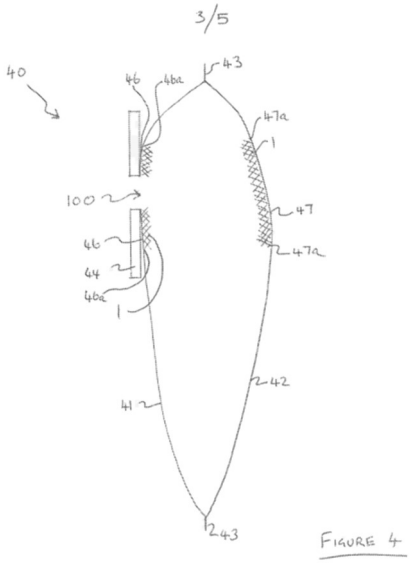


FIGURE 4

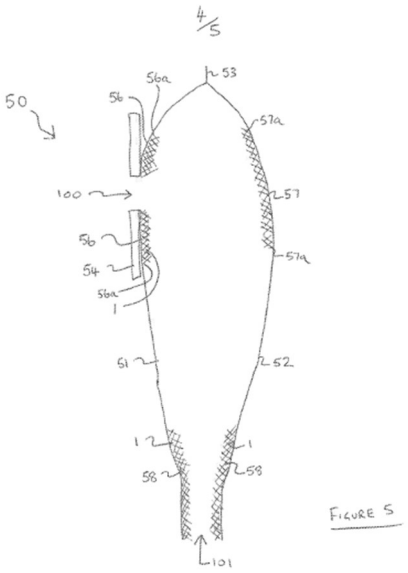


FIGURE 5

6. The patent describes how ostomy pouches can be divided into two basic types: open-end pouches (figure 5) comprising a drainable opening (101) for the removal of body waste and closed-end pouches (figure 4) that are removed from the patient when full and disposed of or emptied and cleaned for re-use. Ostomy pouches, especially the closed-end type can suffer from a phenomenon known as ‘pancaking’, in which a vacuum occurs within the pouch and the internal surfaces of the side walls stick together.

7. The patent states that it is known to use hydrophobic materials to create surfaces that are difficult to wet, non-stick, self-cleanable and/or resistant to contamination. Some hydrophobic materials, however, are not suitable for use with ostomy pouches, due to not adhering well to polymeric films or to being toxic. The patent seeks to solve problems in the prior art by providing an ostomy pouch having an internal surface that is at least partially coated with hydrophobic particles comprising

a metal oxide core (10, figure 2) and a hydrocarbon chain (12) bound to the metal oxide core.

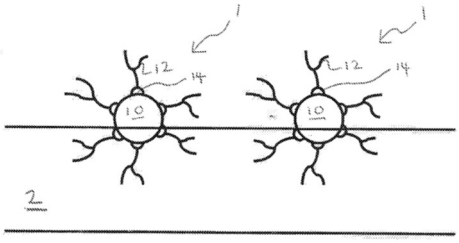


FIGURE 2

8. Claim 1 of the patent reads as follows:

> *An ostomy pouch having a pair of opposed side walls, one of the side walls defining a stoma-receiving opening for, in use, receiving a part of a stoma, one or both of the side walls being formed of a polymeric film at least partially coated on an internal surface thereof with hydrophobic particles, the hydrophobic particles comprising:*
>
> *a metal oxide core; and*
>
> *a hydrocarbon chain having from 2 to 40 carbon atoms,*
>
> *wherein the hydrocarbon chain is chemically bound to the metal oxide core.*

9. The patent also includes dependent claims 2 - 25, which read as follows:

> *2. An ostomy pouch according to claim 1, wherein the side wall defining the stoma-receiving opening is formed of the polymeric film and comprises a first region which at least partially surrounds or surrounds the stoma-receiving opening, wherein the first region is coated with the hydrophobic particles.*
>
> *3. An ostomy pouch according to claim 1 or claim 2, wherein the side wall opposing the side wall defining the stoma-receiving opening is formed of the polymeric film and comprises a second region which substantially faces the stoma-receiving opening, wherein the second region is coated with the hydrophobic particles.*
>
> *4. An ostomy pouch according to claim 3, wherein the diameter of the second region is greater than the diameter of the stoma-receiving opening.*
>
> *5. An ostomy pouch according to claim 3 or 4, when dependent on claim 2, wherein the diameter of the second region is approximately equal to the diameter of the first region.*
>
> *6. An ostomy pouch according to any preceding claim, further comprising a drainable opening at a lower end thereof, both side walls being formed of the*
> *polymeric film and comprising a third region which surrounds the drainable opening, wherein the third region is coated with the hydrophobic particles.*

7. An ostomy pouch according to claim 6, wherein the drainable opening includes a valve, optionally wherein the internal surface of the valve is coated with the hydrophobic particles.

8. An ostomy pouch according to any preceding claim, wherein both side walls are formed of the polymeric film and the entire internal surfaces thereof are coated with the hydrophobic particles.

9. An ostomy pouch according to any preceding claim, wherein the average diameter of the hydrophobic particles is less than or equal to approximately 200 nm.

10. An ostomy pouch according to claim 9, wherein the average diameter of the hydrophobic particles is less than or equal to approximately 50 nm.

11. An ostomy pouch according to claim 10, wherein the average diameter of the hydrophobic particles is from approximately 8 nm to approximately 20 nm.

12. An ostomy pouch according to any preceding claim, wherein the metal oxide core comprises one or a combination of aluminium oxide, iron oxide and zinc oxide.

13. An ostomy pouch according to any preceding claim, wherein the hydrocarbon chain is aliphatic.

14. An ostomy pouch according to any preceding claim, wherein the hydrocarbon chain is straight or branched.

15. An ostomy pouch according to any preceding claim, wherein the hydrocarbon chain has from 6 to 32 carbons.

16. An ostomy pouch according to claim 15, wherein the hydrocarbon chain has from 6 to 24 carbons.

17. *An ostomy pouch according to any preceding claim, wherein the hydrocarbon chain is covalently bound to the metal oxide core via a functional group.*

18. *An ostomy pouch according to claim 17, wherein the functional group comprises any one or a combination of hydroxide, carboxylate, phosphonate, phosphinate, thiolate and thiocarboxylate.*

19. *An ostomy pouch according to any preceding claim, wherein the hydrophobic particles are free from fluorine.*

20. *An ostomy pouch according to any preceding claim, wherein the polymeric film comprises a thermoplastic film.*

21. *An ostomy pouch according to claim 20, wherein the thermoplastic film comprises polyolefin, vinyl polymer or polyacetal film.*

22. An ostomy pouch according to claim 20 or claim 21, wherein the thermoplastic film comprises a co-extruded bilayer or multilayer film.

23. An ostomy pouch according to any preceding claim, wherein the hydrophobic particles are at least partially embedded in the polymeric film.

24. An ostomy pouch according to any one of claims 1 to 22, wherein the hydrophobic particles and the polymeric film are secured to one another by an adhesive.

25. An ostomy pouch according to claim 24, wherein the mass ratio of the hydrophobic particles and the adhesive is from approximately 1.0:1.0 to approximately 2.0:1.0.

Claim construction

10. Before considering novelty and inventive step, I need to construe the claims of the patent - that is to say, I must interpret them in the light of the description and drawings as instructed by Section 125(1) of the Patents Act 1977 ("the Act"):

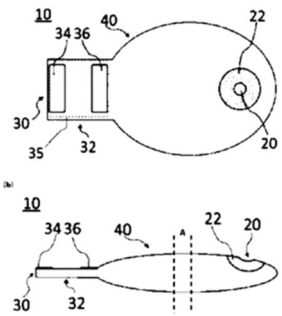
> *For the purposes of this Act an invention for a patent for which an application has been made or for which a patent has been granted shall, unless the context otherwise requires, be taken to be that specified in a claim of the specification of the application or patent, as the case may be, as interpreted by the description and any drawings contained in that specification, and the extent of the protection conferred by a patent or application for a patent shall be determined accordingly.*

11. In my view, the claims are clear and do not present any difficulties of construction. The requester did not offer any comments on this matter.

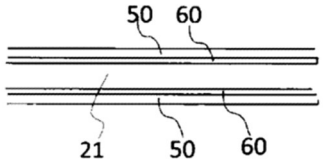
Prior art - D1

12. D1 was published before the priority date of the patent. D1 relates to an ostomy bag formed from a sheet material, and comprising a stoma-receiving opening (receiving port 20, figure 1) and a baseplate (22). The sheet material forming the bag can be a laminate comprising synthetic resin films. The sheet material comprises a base material sheet (50, figure 2) and a functional layer (60), wherein the functional layer comprises hydrophobic or oleophobic particles.

[FIG. 1]



[FIG. 2]



The law - novelty

13. Section 1(1) of the Act reads:

> *A patent may be granted only for an invention in respect of the following conditions are satisfied, that is to say –*
> *(a) the invention is new;*

14. Sections 2(1) and 2(2) of the Act read:

> *2(1) An invention shall be taken to be new if it does not form part of the state of the art.*
>
> *2(2) The state of the art in the case of an invention shall be taken to comprise all matter (whether a product, a process, information about either, or anything else) which has at any time before the priority date of that invention been made available to the public (whether in the United Kingdom or elsewhere) by written or oral description, by use or in any other way.*

Whether claim 1 is novel in light of D1

15. D1 discloses an ostomy pouch having a pair of opposed side walls, one of the side walls defining a stoma-receiving opening for receiving a part of a stoma. D1 discloses forming the side walls from a laminate comprising synthetic resin films. The provided examples of suitable materials include a polyolefin such as polyethylene and polypropylene, a polyester such as polyethylene terephthalate, or a polyamide. D1 therefore discloses forming the side wall from a polymeric film.

16. D1 teaches that a functional layer comprising hydrophobic or oleophobic particles is formed on the entirety, or a part, of the inner surface of the bag. D1 therefore discloses the polymeric film being at least partially coated on an internal surface thereof with hydrophobic particles.

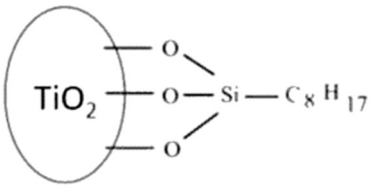
17. D1 teaches that the functional particles are not limited as long as they have hydrophobicity and/or oleophobicity and provides a list of specific products that may be used as hydrophobic functional particles. The list includes the following fumed silica products manufactured by Evonik® Industries AG: AEROSIL® R 972, AEROSIL® R 972 V, AEROSIL® R 972 CF, AEROSIL® R 974, AEROSIL® RX 200,

AEROSIL® RY 200, AEROSIL® R202, AEROSIL® R805, AEROSIL® R 812, AEROSIL® R 812 S. Also listed are the fumed titanium dioxide powder AEROXIDE® TiO2 T 805 and the fumed aluminium oxide powder AEROXIDE® Alu C, both also manufactured by Evonik® Industries AG, the latter treated with "*a silane coupling agent to render the particle surface hydrophobic*".

18. The requester points to documents D7 and D8 as disclosing that AEROXIDE® TiO2 T 805 is titanium dioxide functionalised with octylsilane. D7 is the information sheet for the product and does include this disclosure. D8 relates to spray formulations, in particular insect repellent aerosol formulations, and states in paragraph 16 that AEROXIDE® TiO2 T 805 "*has fumed titanium dioxide rendered more hydrophobic by reacting it with an octylsilane*".

19. The requester suggests that D9 provides further evidence of the structure of AEROXIDE® TiO2 T 805. However, D9 does not appear to add any information not disclosed in D7 and D8 and will not be discussed further here.

20. The requester states that: "*Mechanistically, treating titanium oxide with an octylsilane coupling agent, such as trimethyloxyoctylsilane results in the formation of Ti-O-Si bonds.*" They provide the following representation of the structure of AEROXIDE® TiO2 T 805:



21. Whilst not wishing to comment on the accuracy of the provided representation, as other structures would seem to be possible, I do agree that functionalising titanium dioxide particles with octylsilane would produce hydrophobic particles comprising a titanium dioxide core having a hydrocarbon chain comprising from 2 to 40 carbon atoms chemically bound thereto.

22. Accordingly, on the basis that D1 discloses a hydrophobic coating formed from AEROXIDE® TiO2 T 805 and that such an arrangement falls within the scope of claim 1, I consider that the patent is anticipated by this embodiment of D1.

23. The requester states that "*AEROXIDE® Alu C 805 is exemplified as a suitable source of hydrophobic aluminium oxide particles in paragraph [0048] of D1/D1T*". Paragraph 48 of D1, however, concerns lipophobic (oil repellent) particles. D1, therefore, does not disclose the use of AEROXIDE® Alu C 805 as hydrophobic particles for coating the internal surface of the ostomy pouch.

24. D1 does, however, disclose the use of aluminium oxide-based hydrophobic particles formed by treating AEROXIDE® Alu C with "*a silane coupling agent to render the particle surface hydrophobic*". The factsheet for AEROXIDE® Alu C, which is available on the website of Evonik® Industries AG, states that AEROXIDE® Alu C is *"fine-particle fumed aluminium oxide, non-treated*". The factsheet can be found at: https://products.evonik.com/assets/00/39/Fact_Sheet_High_performance_special_oxides_for_coating_applications_EN_Asset_700039.pdf

25. D1 does not appear to disclose which compound or compounds are coupled to the aluminium-oxide core by the silane coupling agent. In my view, the use of AEROXIDE® Alu C treated with a silane coupling agent is not a disclosure of the use of aluminium oxide particles having chemically bound thereto a hydrocarbon chain having from 2 to 40 carbon atoms.

26. I do not consider that the Aeroxide® Alu C embodiment of D1 falls within the scope of claim 1.

27. The requester argues that the disclosure in D1 of AEROSIL® R805 as a suitable source of hydrophobic particles also leads to anticipation of claim 1 if metalloid oxides, such as silicon oxide, are considered to fall within the group of metal oxides. Although silicon oxide was disclosed in the patent as-filed as being suitable for forming the metal oxide cores, it is my view that silicon oxide is not a metal oxide. The subsequent deletion, from claim 12 of the amended claim set of 24th May 2022, of silicon oxide as a possible metal oxide for use in the invention supports my view.

28. I therefore do not consider that that the AEROSIL® R805 embodiment of D1 falls within the scope of claim 1.

29. It is my opinion that D1 anticipates claim 1 of the patent, specifically due to disclosing the use of AEROXIDE® TiO2 T 805 as the hydrophobic particles.

Whether dependent claims 2 - 4, 6 - 17 and 19 - 21 are novel in light of D1

30. The requester presented their reasons for considering that claims 2 - 4, 6 - 17 and 19 - 21 are anticipated by D1.

31. The requester points to figure 5 and paragraph 62 of D1. The figure shows a region 82 where the functional layer comprising the hydrophobic particles is laminated around the receiving port on the inner surface of the ostomy bag. It is my view that claim 2, which requires a first region coated with the hydrophobic particles at least partially surrounding the stoma-receiving opening, is anticipated by D1.

32. The requester notes that paragraph 61 of D1 states that the functional layer may be laminated on the entirety of the inner surface of the ostomy bag. I consider that claim 3, which requires that the hydrophobic particles are coated on a second region substantially facing the stoma-receiving opening, is anticipated by D1. I further consider that claim 4, which requires that the diameter of the second region is greater than the diameter of the stoma-receiving opening, is also anticipated.

33. As noted by the requester, paragraph 61 also teaches that the functional layer may be laminated "*on the side where the discharge port of the ostomy bag is formed and in the lower half or third of the entire inner surface of the ostomy bag*". With reference to figure 4 of D1, this region is indicated by the numeral 80, with 20 being the discharge port. I agree that claim 6, which requires a drainable opening at a lower end and a third region surrounding the drainable opening coated with the hydrophobic particles, is anticipated by D1.

34. Claim 7 of the patent requires that the drainable opening includes a valve. The requester considers that the folding part (32) of the discharge port forms a valve. It is stated in paragraph 23 of D1 that features 34 and 36 are locking portions that are joined when part 32 is folded to facilitate opening and closing of the discharge port. I do not agree that this arrangement is a valve. In my view, claim 7 is novel over the teaching of D1.

35. As previously noted, the functional layer may be laminated on the entirety of the inner surface of the ostomy bag of D1. I agree with the requester's assertion that claim 8 is anticipated by D1.

36. Claims 9 - 11 respectively require average diameters of the hydrophobic particles of less than or equal to approximately 200 nm, less than or equal to approximately 50 nm, and from approximately 8 nm to approximately 20 nm. The requester suggests that the disclosure in paragraph 43 of D1 that the average particle size may be 5 to 50 nm, and more preferably 7 to 30 nm, anticipates claims 9 - 11. I disagree. In my view, D1 teaches selection of the hydrophobic particles from a number of possible particle types and a number of preferable particle diameter ranges. The use of AEROXIDE® TiO2 T 805 having a specific particle size is not disclosed. I also note that D7 (the AEROXIDE® TiO2 T 805 information sheet) does not disclose the particle size. In my view, claims 9 - 11 are novel ovel the teaching of D1.

37. Claim 12 specifies that the metal oxide core comprises one or a combination of aluminium oxide, iron oxide and zinc oxide. As this list does not include titanium oxide, which is the only metal oxide core disclosed in D1 that forms a product meeting the requirements of claim 1, I consider that claim 12 is novel over the teaching of D1.

38. As AEROXIDE® TiO2 T 805 is functionalised with octylsilane, which is an aliphatic straight hydrocarbon chain having eight carbon atoms, I agree with the requester's assertion that claims 13 to 16 are anticipated by D1.

39. I consider that the hydrocarbon chain of AEROXIDE® TiO2 T 805 is covalently bonded to the metal core via a functional group comprising silicon and oxygen. In my view, claim 17 is anticipated by D1.

40. As stated by the requester, AEROXIDE® TiO2 T 805 is free of fluorine. I agree that claim 19 is anticipated by D1.

41. Claim 20 requires that the polymeric film of the ostomy pouch comprises a thermoplastic film and claim 21 further requires that the thermoplastic film comprises polyolefin, vinyl polymer or polyacetal film. As previously noted, polyolefin is disclosed in D1 as being a suitable polymeric film. In my view, D1 anticipates claims 20 and 21.

The law - inventive step

42. Section 1(1)(b) of the Act reads:

1(1) A patent may be granted only for an invention in respect of which

the following conditions are satisfied, that is to say –
…
(b) it involves an inventive step;

43. The provisions in relation to inventive step are found in section 3 which states:

> *3. An invention shall be taken to involve an inventive step if it is not obvious to a person skilled in the art, having regard to any matter which forms part of the state of the art by virtue only of section 2(2) above (and disregarding section 2(3) above).*

44. The Court of Appeal in *Windsurfing*[1] formulated a four-step approach for assessing whether an invention is obvious to a person skilled in the art. This approach was restated and elaborated upon by the Court of Appeal in *Pozzoli*[2]. Here, Jacob LJ reformulated the Windsurfing approach as follows:

> *(1)(a) Identify the notional "person skilled in the art" ;*
> *(1)(b) Identify the relevant common general knowledge of that person;*
> *(2) Identify the inventive concept of the claim in question or if that cannot readily be done, construe it;*
> *(3) Identify what, if any, differences exist between the matter cited as forming part of the "state of the art" and the inventive concept of the claim or the claim as construed;*
> *(4) Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of invention?*

Whether claims 5, 7, 9 - 12, 18 and 22 - 25 are inventive in light of document D1

45. The requester provided their reasoning why claim 1 lacks an inventive step in view of the combined teaching of D1 and D2. As claim 1 is, in my view, anticipated by D1, I do not need to consider its inventiveness.

46. Having also concluded that claims 2 - 4, 6, 8, 13 - 17 and 19 - 21 are also anticipated by D1, I do not need to consider these claims further. I now will now address the question of whether the remaining claims are inventive over the teaching of D1.

Identify the person skilled in the art

47. The requester considers that the notional person skilled in the art is a team of people involved in the manufacture of ostomy devices, due to the multiple disciplines involved in their manufacture. They consider that the team would include "*a biomedical engineer/technician familiar with manufacturing process and requirements of an ostomy device, and a materials chemist/technician familiar with surface coatings, particularly hydrophobic surface coatings*". I consider that this assessment of the skilled person is reasonable.

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[1] *Windsurfing International Inc. v Tabur Marine (Great Britain) Ltd*, [1985] RPC 59
[2] *Pozzoli SPA v BDMO SA* [2007] EWCA Civ 588

Identify the relevant common general knowledge of that person

48. The requester states that the person skilled in the art is familiar with the construction of ostomy pouches, including the materials and techniques used for their manufacture. They consider that the skilled person is familiar with the various types of ostomy pouches, the phenomenon of pancaking and the various approaches employed to reduce this, such as the application of lubricants inside the pouch. They further consider that, as described on page 2 of the patent, the person skilled in the art is familiar with "*hydrophobic materials used to create surfaces that are difficult to wet, non-stick, self-cleanable and/or resistant to contamination*", and that such "*hydrophobic materials typically include waxes, fluorinated polymers, e.g. polytetrafluoroethylene (PTFE), organosilanes, etc.*" I agree with this assessment of the skilled person's knowledge.

Identify what differences exist between the prior art and the inventive concept of the claim and whether those differences constitute steps which would have been obvious to the person skilled in the art

49. Claim 5 requires that the diameter of the second region (coated with the hydrophobic particles and substantially facing the stoma-receiving opening) is approximately equal to the diameter of the first region (which at least partially surrounds the stoma-receiving opening). I do not consider that the skilled person would be motivated to restrict the size of the second region, and so it is my view that claim 5 is inventive over the teaching of D1.

50. Claim 7 requires that the drainable opening comprises a valve. As the ostomy pouch of D1 is suitable for the collection of faeces or urine, I consider that the skilled person would readily replace the folding arrangement for opening and closing the pouch with a valve. It is my view that claim 7 lacks an inventive step in view of the teaching of D1.

51. Claims 9 - 11 respectively require average diameters of the hydrophobic particles of less than or equal to approximately 200 nm, less than or equal to approximately 50 nm, and from approximately 8 nm to approximately 20 nm. As previously noted, D1 discloses that a preferable average particle size for the hydrophobic particles may be 5 to 50 nm, and more preferably 7 to 30 nm. Whilst it is known that AEROXIDE® TiO2 T 805 comprises fine particles, the actual particle size is not disclosed in any of the presented literature. I consider, however, that the skilled person aiming to work the invention using particles having sizes falling within the preferred range of 7 to 30 nm would, if necessary, consider using alternative particles comprising a titanium oxide core functionalised with octylsilane. I therefore consider that claims 9 - 11 are obvious in view of D1.

52. Claim 12 requires that the metal oxide core comprises one or a combination of aluminium oxide, iron oxide and zinc oxide. As previously stated, D1 teaches the use of aluminium oxide particles in the form of AEROXIDE® Alu C with a silane coupling agent. D1 is, however, silent with regard to the identity of the compound coupled to the particles. To my mind, the question to be asked is whether it would be obvious to use a hydrocarbon having between 2 and 40 carbon atoms to render the particles hydrophobic. As the teaching of D1 includes the use of titanium oxide particles and silicon oxide particles treated with an octylsilane (AEROXIDE® TiO2 T 805 and

AEROSIL® R805 respectively), it is my opinion that the skilled person aiming to render the AEROXIDE® Alu C hydrophobic would consider treating the particles with an octylsilane. It is also my opinion that this would result in particles having an aluminium oxide core with a hydrocarbon chain having from 2 to 40 carbon atoms bonded thereto. I consider that claim 12 lacks an inventive step in view of the teaching of D1.

53. I do not consider from the teaching of D1 that the skilled person would be motivated to replace the octylsilane with a hydrocarbon chain that attaches to the core particles via an alternative functional group. It is my view that claim 18 is inventive over the teaching of D1.

54. Paragraph 24 of D1 states that the base material sheet may be a multilayer composed of a laminate of two or more layers. The requirement of claim 22 that the thermoplastic film comprises a co-extruded bilayer or multilayer film is therefore disclosed. Claim 22 lacks an inventive step in view of the teaching of D1.

55. The requester points out that D1 describes how the functional layer may be applied by a variety of methods, such as roll coating, gravure coating, bar coating, doctor blade coating, comma coater or brush coating, and that D1 further states that the coating may be dried by heating to a temperature in the range of 70 to 150^0C, before repeating the coating process if desired (paragraphs 68 - 70). The requester considers that "*having heated the substrate to 150^0C and subsequently coating with the functionalised nanoparticles, the result will be the at least partial embedding of the nanoparticles in the underlying surface*". I do not agree, as D1 does not appear to suggest that the substrate is heated prior to applying the first coating layer or that subsequent layers are applied while the previous layer remains at an elevated temperature. It is my view that D1 does not teach that the hydrophobic particles are at least partially embedded in the polymeric film and furthermore that the skilled person would not consider it to be obvious to use a coating process that ensures this. It is my opinion that claim 23 is inventive over the teaching of D1.

56. I do not consider that the skilled person be motivated to attach the hydrophobic particles to the polymeric film using an adhesive, rather than using one of the suitable coating methods suggested in D1. I consider that claims 24 and 25 are inventive over the teaching of D1.

Opinion

57. It is my opinion that claims 1 - 4, 6, 8, 13 - 17 and 19 - 21 are anticipated by the teaching of D1.

58. It is also my opinion that claims 7, 9 - 12 and 22 lack an inventive step in view of the teaching of D1.

Application for review

59. Under section 74B and rule 98, the proprietor may, within three months of the date of issue of this opinion, apply to the comptroller for a review of the opinion.

Karen Payne
Examiner

NOTE

This opinion is not based on the outcome of fully litigated proceedings. Rather, it is based on whatever material the persons requesting the opinion and filing observations have chosen to put before the Office.