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accordance with Art. 76 EPC:  
**17857299.6 / 3 519 302**

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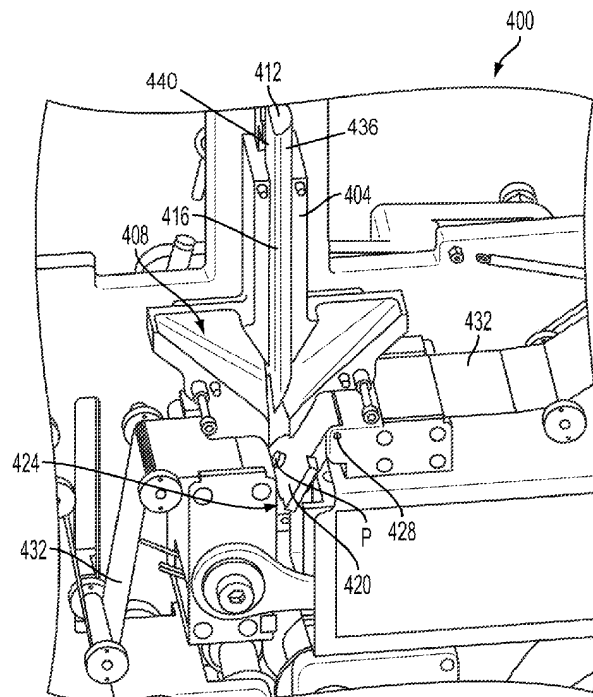
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(54) **PHARMACY PACKAGING SYSTEM**

(57) A packaging unit for packaging pharmaceuticals into a pouch includes packaging equipment operable to form the pouch, a track configured to direct the pharmaceuticals toward the packaging equipment, and a receptacle coupled to the track upstream of the packaging

equipment to receive the pharmaceuticals from the track. The receptacle includes a valve mechanism that is movable relative to the track to push the pharmaceuticals into the pouch.



**FIG. 18**



## PARTIAL EUROPEAN SEARCH REPORT

Application Number

under Rule 62a and/or 63 of the European Patent Convention.  
This report shall be considered, for the purposes of  
subsequent proceedings, as the European search report

EP 23 18 0809

## DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
Y	US 2013/318931 A1 (HOLMES WILLIAM K [US]) 5 December 2013 (2013-12-05) * paragraphs [0044], [0052] - [0057], [0042], [0048], [0047]; figures 10,13,14,15 *	1-15	INV. B65B9/02 G07F9/10 G07F11/16 G07F11/44 G07F11/60 G07F17/00
Y	US 9 272 796 B1 (CHUDY DUANE S [US]) 1 March 2016 (2016-03-01) * column 16, lines 7-31; figures 15-17 *	1-15	ADD. B65B39/00
Y	US 2009/205291 A1 (ANTONEVICH DONALD F [US] ET AL) 20 August 2009 (2009-08-20) * paragraphs [0010], [0036] *	1-15	
Y	EP 1 707 490 A2 (SEALED AIR CORP [US]) 4 October 2006 (2006-10-04) * claim 37 *	1-15	
			TECHNICAL FIELDS SEARCHED (IPC)
			B65B

## INCOMPLETE SEARCH

The Search Division considers that the present application, or one or more of its claims, does/do not comply with the EPC so that only a partial search (R.62a, 63) has been carried out.

Claims searched completely :

Claims searched incompletely :

Claims not searched :

Reason for the limitation of the search:

see sheet C

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EPO FORM 1503 03.82 (P04E07)

Place of search	Date of completion of the search	Examiner
Munich	20 March 2024	Garlati, Timea
CATEGORY OF CITED DOCUMENTS		
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		
T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ..... & : member of the same patent family, corresponding document		



# INCOMPLETE SEARCH SHEET C

Application Number

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Claim(s) completely searchable:

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Claim(s) searched incompletely:

1-15

Reason for the limitation of the search:

The current application has been filed as a divisional application of EP17857299, which was published as WO2018064095.

1 In order to fulfil the requirements of Article 76 EPC, the subject-matter of a divisional application must be contained in the parent application. This is not the case for claims 1 and 10 for the following reasons:

1.1 The parent application was directed to four embodiments listed in paragraphs [0003], [0004], [0005] and [0006] of the description, out of which paragraphs [0003] and [0004] relate to a system including at least a frame and a canister moving assembly while paragraphs [0005] and [0006] relate to a packaging unit comprising at least a track, a receptacle and a valve mechanism. None of these embodiments however correspond to the subject-matter of independent claims 1 and 10 on file, which do not include any of these features.

1.2 It is noted that the only paragraphs of the entire parent application that relate to determining the length of the pouch are paragraphs [0072] and [0074], which however mention this as an additional aspect of the particular embodiments of the packaging unit shown in figures 17-19. Paragraphs [0065]-[0067] which describe to the packaging unit 400 of figures 17-18, however also include a track 246, a valve mechanism 412 and a receptacle 404. There is no teaching in the parent application that these parts of the apparatus can be left out. As such, the subject-matter of claims 1 and 10 is considered to be an intermediate generalisation of the content of the parent application, adding subject-matter to the original teaching disclosed in particular in paragraphs [0003], [0004], [0005] and [0006] which define the four embodiments of the invention. This deficiency is also not overcome by the alternative subject-matter indicated by the applicant in the "auxiliary request" filed in response to the Rule 63 EPC communication.

1.3 For the sake of completeness, it is noted that the parent application as filed does not disclose any "electronic processor". While the word "processor" appears in paragraphs [0033] and [0063], these processors are for completely different purposes. Should the applicant refer to the control system 50 mentioned in paragraph [0033], it is to be noted that the packaging unit 400 and the control system has not been disclosed in the application in isolation but together with the remaining parts of the system for storing and packaging pharmaceuticals. Also for this reason, the the subject-matter of claims 1 and 10 is considered to be an intermediate generalisation of the content of the parent application, adding subject-matter to the original teaching disclosed therein.

2 In view of the above deficiencies and since the features that originally defined the packaging unit in the parent application (see [link to #cd0d4d15-f996-4fc3-a03c-abd37ce9c9ad] above) are also not present in any of the dependent claims 2-9 and 11-15, the application fails to comply with Article 76 EPC to such an extent that it is

INCOMPLETE SEARCH  
SHEET C

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impossible to carry out a meaningful search on the basis of all of the subject-matter claimed.

3 The search was therefore limited to:

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3.1 A packaging unit for packaging pharmaceuticals into a pouch, the packaging unit comprising:

packaging equipment operable to form the pouch;

a track configured to direct the pharmaceuticals toward the packaging equipment; and

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a receptacle coupled to the track upstream of the packaging equipment to receive the pharmaceuticals from the track,

the receptacle including a valve mechanism that is movable relative to the track to push the pharmaceuticals into the pouch, (i.e. claim 1 of the parent),

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3.2 wherein the packaging equipment includes a feed stock roll, the feed stock roll having material that forms the pouch (i.e. claim 11 of the parent)

3.3 wherein the packaging unit includes a control system (i.e. [0029] of parent) electronically coupled to the packaging equipment ([0033] of parent) and configured to:

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determine an amount of pharmaceuticals expected to be loaded into the pouch;

determine a length of the pouch based on the amount of pharmaceuticals expected to be loaded into the pouch; and

control the packaging equipment to form the pouch having the length ([0074] of parent).

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# **ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.**

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This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
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20-03-2024

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
<b>US 2013318931 A1</b>	<b>05-12-2013</b>	<b>AU 2013267326 A1</b>	<b>18-12-2014</b>
		<b>CA 2875027 A1</b>	<b>05-12-2013</b>
		<b>EP 2855281 A1</b>	<b>08-04-2015</b>
		<b>EP 3300043 A1</b>	<b>28-03-2018</b>
		<b>MX 357425 B</b>	<b>09-07-2018</b>
		<b>US 2013318931 A1</b>	<b>05-12-2013</b>
		<b>US 2019367195 A1</b>	<b>05-12-2019</b>
		<b>US 2023331410 A1</b>	<b>19-10-2023</b>
		<b>WO 2013181416 A1</b>	<b>05-12-2013</b>
<hr/>			
<b>US 9272796 B1</b>	<b>01-03-2016</b>	<b>NONE</b>	
<hr/>			
<b>US 2009205291 A1</b>	<b>20-08-2009</b>	<b>US 2008096748 A1</b>	<b>24-04-2008</b>
		<b>US 2009205291 A1</b>	<b>20-08-2009</b>
<hr/>			
<b>EP 1707490 A2</b>	<b>04-10-2006</b>	<b>AT E400501 T1</b>	<b>15-07-2008</b>
		<b>AT E467563 T1</b>	<b>15-05-2010</b>
		<b>AT E528217 T1</b>	<b>15-10-2011</b>
		<b>AT E530447 T1</b>	<b>15-11-2011</b>
		<b>BR PI0601094 A</b>	<b>05-12-2006</b>
		<b>CA 2541029 A1</b>	<b>30-09-2006</b>
		<b>CA 2634707 A1</b>	<b>30-09-2006</b>
		<b>EP 1707490 A2</b>	<b>04-10-2006</b>
		<b>EP 1932764 A2</b>	<b>18-06-2008</b>
		<b>EP 2199212 A1</b>	<b>23-06-2010</b>
		<b>EP 2199213 A1</b>	<b>23-06-2010</b>
		<b>ES 2308685 T3</b>	<b>01-12-2008</b>
		<b>ES 2343705 T3</b>	<b>06-08-2010</b>
		<b>ES 2372514 T3</b>	<b>23-01-2012</b>
		<b>ES 2374213 T3</b>	<b>14-02-2012</b>
		<b>US 2006218881 A1</b>	<b>05-10-2006</b>
		<b>US 2009126319 A1</b>	<b>21-05-2009</b>
		<b>US 2011107725 A1</b>	<b>12-05-2011</b>
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