PROFESSIONAL STANDARDS BOARD FOR PATENT & TRADEMARKS ATTORNEYS

EXAMINATION FOR REGISTRATION AS A PATENT ATTORNEY

TOPIC GROUP H, OCTOBER 2000 - INTERPRETATION AND VALIDITY OF PATENT SPECIFICATIONS

GENERAL REPORT

Extensive introductory comments have been provided in the General Report to candidates in 1998 and 1999 and it is strongly recommended by the Examiners that candidates do read those as well as this Report since many of the general issues raised previously continue to be troublesome.

In addition, candidates are reminded to read the question paper and accompanying documents thoroughly and carefully, and to highlight in some way issues which they think may become relevant in answering the paper. In this way important issues will hopefully be less overlooked. This year, for example, very few candidates noted that their client, Mr Rapp and his business, would only be developing the packaging means, not supplying it or the overall package including the can-type containers.

Even fewer candidates noted the statement in prior art document C that an integral handle could alternatively be provided in the band 50 – the second packaging means – making C potentially directly relevant to claim 4 of A and, potentially, the possible CGK of plastic bag handles much more relevant to claim 5. Not one candidate even raised the issue of plastic bag handles and claim 5, even though Mr Rapp, a possible PSA, highlighted how well known such integral handles are.

A surprising number of candidates also failed to identify all the possible CGK, immediately losing easily gained marks. Candidates were reminded in the question paper that if they considered further information would be required to deal with an issue, they should explain in their answer. No candidate questioned whether cans would be part of the CGK at the priority date (almost certainly, of course). This was not necessarily an issue for those who construed "can-type container" to encompass the bottles disclosed in the prior art, but for those who

construed the term to be restricted to cans, this was a potential problem in dealing with the relevance of the prior art. Many candidates in this second category conveniently overlooked the problem.

Candidates were also reminded in the question paper that marks are awarded more for the points selected for discussion and the reasoning displayed than the conclusions reached. However some still attempt to deal quickly with the prior art and infringement considerations by merely "ticking and crossing" whether features of the claims are present. Candidates must explain why features are considered to be or not be present, and often they will need to have carefully construed the meaning of features of the claims in order for their explanation to make sense.

The construction of the claims – ie. what do the claims encompass and exclude – is fundamental to the validity and infringement exercise, yet candidates continue to have difficulties selecting issues for consideration and interpretation, and regularly fail to discuss opposing views to their own so do not reason their way to a sound conclusion. An important way of identifying at least some of the terms or phrases of the claims that will need construing is to have in mind the prior art and the infringement. Thus, for example, by looking at B and C, it will become immediately apparent that "can-type containers" must be construed, and, with regard to B (and claim 2) that the extent of "endless resilient band" will have to be decided.

A detailed commentary on the paper follows in the hope, once again, that it will help candidates in the future to better identify the type of issues which need to be discussed when considering the validity and infringement of a patent. It is emphasised that this commentary is not a model answer – there is very seldom only one way of dealing with an issue in the work of a Patent Attorney. It is also emphasised that not every point highlighted in the commentary needed to be identified in order to pass the exam, but candidates must show the Examiners that they have an acceptable understanding of the law on validity and infringement and an acceptable ability to apply the law.

THE INVENTION

Many candidates began their answers by identifying the field of the invention and those whom they considered could be persons skilled in the art (PSA). This is considered to be a good approach given the importance of the PSA in many aspects of the validity and infringement exercises, and generally the PSA was characterised quite well.

The background of the invention was straightforward and also handled well.

Many candidates on the other hand had difficulty with the object clauses, particularly the second one which calls for the invention to provide a package of 8 or more containers. A large number of candidates concluded in the light of this that the package of the invention must have 8 or more containers, yet only one concluded that the claims were not fairly based because none of them defined this feature. Most sensibly backed away from this very rigid interpretation, but usually by omitting to mention the issue again. A far better approach, in the view of the Examiners, since the patentee had not considered this very restrictive feature sufficiently important to include in any of the claims or in the statement of invention, is to reason, that the "further object" is more a statement of advantage – that embodiments of the invention may tightly unitize 8 or more containers.

Some candidates went straight to the construction of the claims after dealing with the background of the invention, and dealt with the issues of the described invention only under S.40. However the majority took the safer route of separately determining what the description says the invention is. No distinction was made between these two approaches in marking the answer papers, provided the issues were properly covered.

Most candidates readily concluded that the first paragraph on page A2 was effectively a statement of the invention and that nothing else in the description suggested that any other described feature was essential. Likewise, nearly all candidates reasoned that everything in the paragraph was essential to the invention. Only one candidate noted that the invention as described encompasses "double four or six packs of cans" and that the first packaging means may therefore be in two parts (as also described in I).

In summary therefore, the invention from the description was generally correctly concluded to be a package for can-type containers with first and second packaging means as described, the second packaging means including the intermediate resilient strip. One candidate entirely overlooked the issue of the intermediate resilient strip even though he/she did analyse the invention from the description, and one candidate concluded that a handle was essential to the invention in order to "present an easily handled package" as required by the further object statement. The Examiners do not believe there is any statement in the specification suggesting that a handle integral with the second packaging means is essential.

CONSTRUCTION ISSUES

The whole point of this part of the exercise is to determine what is the scope of the claims so as to enable conclusions to be reached on the validity and infringement issues.

The first point to note about claim 1 is that, unlike the statement of invention, it is positively restricted to a package including not only the first and second packaging means, but also the can-type containers. Several candidates read the word "for" in line 1 of the claim and wrongly concluded that the containers were not part of the claim, presumably because they did not read the rest of line 1 and line 2.

Given that B and C only disclosed packages including bottles, it was important to construe the term "can-type containers". Many candidates concluded that the term encompassed bottles. Provided their positions were well reasoned, those candidates were not marked down on this issue but, even with a purposive construction, the Examiners find it difficult to construe the term as meaning anything other than cans of the type described in lines 3 and 4 of claim 1. The question then is whether the can-type containers are an essential feature. Only one candidate raised this issue.

Several candidates had difficulties with the word "chime" but its various uses in the description of A and in I should have made clear that it is the radially projecting annular bead formed where the lid of the can joins the wall part. Although the term is used in B, there must be doubt that the PSA would construe the term as encompassing any flange. The term "predetermined perimeter dimension" does not seem to qualify the chime means in any way but, given the explanation in the last paragraph of I, it was worth considering whether the

chime means must project radially beyond the generally cylindrical side walls or just sufficiently to enable the container encircling band of the first packaging means to be positioned beneath it.

An important feature of the first packaging means is whether or not the requirement for the bands to be interconnected means that it cannot be in two or more parts, even though the described embodiment has it in two parts. A conclusion on this is especially important because one of the options in I is to provide the top packaging device in two parts. No candidate noted this. While it is certainly arguable that the term interconnected is clear in requiring all of the bands to be joined together, the Examiners' view is that a claim should be construed to encompass the described embodiment if possible. One possible interpretation on this basis is that the term only requires each band to be interconnected with some other bands – a plurality – not all of them. Another option is that all of the plurality are interconnected, but that there are more cans than bands – the claim does not specify that all of the cans are engaged by bands. The other cans could then be engaged by another plurality of interconnected, resilient container encircling bands.

The only other feature of note of the first packaging means, bearing in mind B, is that each band is positioned beneath the chime means of an associated container "in resilient engagement therewith". A minor issue here is whether "therewith" means the container generally or the chime means. It is difficult to envisage the band resiliently engaging the chime means and line 33 of page A3 makes clear that the container is intended.

The requirement in claim 1 of A for the second packaging means to be spaced downwardly from the first presented little difficulty for candidates, most correctly basing their argument on the fact that the first packaging means is positioned beneath the chime means in the top regions of the containers.

The term "endless resilient band" needed careful construing in order to come to a conclusion as to whether or not the plastic sheet carrier 60 of B was encompassed by it. While generally preferring an interpretation of the term such that the carrier 60 could be considered to be an endless resilient band, the Examiners did not have fixed views on this and marked the issue according to the arguments presented. However, those candidates who concluded that the term only encompassed a resilient loop, like an elastic band, and overlooked the fact that it

must also be able to encompass a resilient loop with an integral intermediate resilient strip extending between spaced portions as in claim 2, scored poorly on this issue.

Also particularly in the light of B, candidates needed to construe "predetermined width dimension substantially greater than the thickness". No explanation of this phrase is given in the description of A and candidates would certainly need to rely on the PSA for guidance. However, some assistance is provided by the rest of claim 1 – "and being configured so that the width dimension extends generally parallel to the axes of the containers" (this phrase generally presented no difficulty to candidates) – and by B. Although not described in B, it may be seen in the drawings that the band of carrier 60 has a width greater than its thickness, and it is this that allows the width dimension to extend generally parallel to the axes of the bottles in B. A careful inspection of Fig 1 in A, combined with the knowledge that the carriers 22 and 24 of the first packaging means are of the same well known type as the carrier 60 in B, suggests that the carriers 22 and 24 also lie with the width dimension of the bands parallel to the container axes. Accordingly one possible interpretation of the phrase in question is merely that the band width is sufficiently wider than the thickness that the band lies with its width dimension parallel to the container axes. However, as this requirement is positively stated in the claim separately to the requirement for the band width dimension to be substantially greater than the thickness, it is also arguable that something more is required. For example, it is possible that the band width has to be sufficiently great not to apply excessive localised force on the can walls at its location between the ends of the cans.

The client, Mr Rapp, has used a similar phrase in his description I and candidates should certainly be looking for input from him on what it means – although they need to come to a conclusion for the purpose of the exercise.

Finally on claim 1, a few candidates construed "comprising" exclusively, purely on the basis of *General Clutch v. Sbriggs* and without thought as to the implications of this narrow interpretation. As noted already, the point of this exercise is for candidates to show their ability to reason, and "comprising" when used in relation to the endless resilient band must be interpreted such that that band can include the intermediate resilient strip of claim 2 and/or the integral handle of claims 3 to 6. Likewise, "comprising" when used in relation to the first packaging means must be construed so that that means can include the integral handle of claim 2.

Turning to claim 2, the phrase "spaced portions" was given a variety of different interpretations by candidates, including that the spaced portions are the arcuate end portions 30 and that they are the spaces enclosed by the band on each side of the strip. Both of these conclusions require a forced interpretation of the wording used, particularly in the case of the arcuate end portions given that the rest of the claim defines the band in use and the arcuate end portions disappear in use. A far more natural interpretation is merely that the strip extends integrally from one part of the band to another part of the band which is spaced from the one part.

Candidates had little difficulty with the remainder of claim 2. Those who commented on the different uses in claims 1 and 2 of the variations of "engage" were quickly able to explain the word in terms of the particular use.

Several candidates had concerns with "one of the first and second" in claim 3, some proposing entirely new wording, others that "or" should replace "and". The Examiners believe the original wording is entirely correct and had no difficulty with it.

A few candidates overlooked the requirement in claim 3 for the handle to be integral, which in view of C was important for the first packaging means.

Only a few candidates noted that claim 4 is entirely redundant on claim 3 since it adds nothing to that claim. This is particularly the case once it is realised that there is no basis in the description for a handle integral with the first packaging means.

Not many candidates noted all the possibilities for construing the term "one side" in claim 5. These include particularly the interpretation that "one side" means "one edge" and along one of the sides of the band in the package. The term is not used in the detailed description of A but it is used on page A2, although the description of its use does not seem to assist the interpretation. However, the handle is also described there as most preferably lying flat against the package when not in use. When combined with the requirement for the handle to project from the one side, it is not clear how this can mean anything other than that the handle projects from one edge of the band, and the Examiners favoured this view. From a purely practical examination technique point of view, this interpretation then makes some sense of the advice from Mr Rapp regarding the carrier bags.

Most candidates noted the dependency problem in claim 6. The claim refers to the spaced portions of claim 2 but is not necessarily dependent from that claim.

Most also noted that the omnibus claim 7 is directed only to the second packaging means, not the overall package as claim 1, and correctly concluded that the claim encompassed the endless resilient band substantially as described, including the handle as well as the intermediate resilient strip.

SECTION 40

Claim 1 clearly did not define the invention described without reference to the intermediate resilient strip of claim 2 and this issue was generally handled well. Likewise those who picked up the lack of fair basis of claim 3 and the lack of clarity caused by the incorrect dependency of claim 6 generally dealt with them appropriately. However, not all those who noted the scope of claim 7 questioned whether it failed under Section 40 for not defining the invention, about which there is little doubt in the view of the Examiners.

A few candidates also correctly noted that there was no basis for questioning other aspects of Section 40, including sufficiency and whether the best method of performing the invention is described in A. One candidate confused sufficiency with utility – not a Section 40 issue – and another with whether each feature of the claims is described. The issue of sufficiency is merely whether the invention has been described in enough detail to enable third parties to perform it without resorting to invention.

NOVELTY

A surprising number of candidates concluded that claim 1 was either novel or not novel in the light of the prior art and then failed to consider the subsidiary and omnibus claims. Apart from the fact that all or some of the other claims may be novel even though claim 1 has been found not to be, the novelty of claim 1 is deliberately not usually clearcut in this examination and it is recommended that candidates do allow time to deal with all of the claims, with reasoning as to whether or not the defined feature(s) is present in the prior art.

The better candidates noted the acknowledgment by the client of the plastic sheet carriers as prior art, but quickly discounted them as novelty-removing on the basis that there was no proposal to use two together (claim 1) and that they were entirely different to the described endless resilient band (claim 7).

As noted previously, both B and C are directed to packaging of bottles. Although B mentions containers generally, there is no clear signpost to can-type containers in B unless the meaning of can-type containers has been stretched to encompass bottles. Assuming this is not the case, B and C cannot validly be considered as novelty-removing prior documents unless the can-type containers have been reasoned to be inessential features of claim 1 of A and bottles have been reasoned to be mechanical equivalents of can-type containers. Although rarely now contemplated by the Courts, this type of reasoning would have been acceptable for the purposes of this exercise. A mere statement that can-type containers includes bottles was not. For C, the equivalency would then have to extend to the chime means/annular enlargements 24 unless the meaning of chime means had been stretched.

In relation to B, there is also an issue as to whether the resilient container encircling elements 82 of the carrier device 80 resiliently engage the containers, as required of the first packaging means by claim 1. At page B4 line 16 it is stated that "the annular elements 82 are not deformed and are only stretched over the closure members 28 without being deformed". It appears from this that the elements 82 may not be resiliently engaged with the bottle necks, but the Examiners did not take a firm line on this. Of importance was that the issue was raised and that a conclusion was reasoned. Whether or not the sheet carrier device 60 satisfied all the requirements in claim 1 for the endless resilient band depended very much on the interpretation of claim 1 and, as elsewhere, consistency was required here.

With regard to C, the other issues requiring consideration were whether the necks 32 of the sheet carrier 30 meet the requirements of claim 1 of A for a plurality of interconnected container-encircling bands and whether the band 50 is spaced downwardly from the sheet carrier. Most candidates did not appear to have much difficulty with these.

C clearly does not disclose the additional subject matter of claim 2, but whether or not B does depends upon the interpretation of claim 2.

B clearly has a handle integral with the carrier 80 as in claim 3, but not with the carrier 60. However, many candidates overlooked the fact that the handle 40 is not integral with the sheet carrier 30 of C. As noted earlier, nearly all candidates also overlooked the suggestion in C that an integral handle could alternatively be formed in the resilient band 50, making C a specific disclosure of the additional subject matter of both claims 3 and 4.

Neither B nor C discloses the additional subject matter of claims 5 and 6, and claim 7 is also clearly novel over both documents.

INVENTIVE STEP

Many candidates seemingly still have minimal idea of how to apply the inventive step law, and in a few cases no knowledge of the law. This continues to be a very disappointing aspect of candidates' analysis of the validity question.

Of those who do seem to have some understanding of the law and how to apply it, some do themselves no favours by not considering all of the claims, particularly claim 1 when it has been found to be not novel. It must be recalled that the aim of this examination is to show the Examiners that candidates have the ability to apply the law. If candidates opt not to show this ability, they cannot be assessed on the issue. Even if candidates are clearly correct on the issue of novelty, clients generally want to know every avenue by which a patent can be attacked. Finally it should be borne in mind that lack of novelty in a claim does not lead automatically to that claim lacking in inventive step – there is the common general knowledge (CGK) to be taken into account as well as whether the invention would have been obvious to the PSA at the priority date in the light of that CGK.

Many candidates overlooked stating that CGK must be established by way of evidence from the PSA, but subject to this the CGK according to Mr Rapp appears to be plastic sheet carriers for six-packs of the type described in A, B, C and I and carrier bags of sheet plastics material with integral projecting handles. There is some question as to whether the carrier bags are relevant to the packaging art of A and this needed to be considered.

In addition, as discussed already, it may be appropriate to establish that cans are part of the CGK of the PSA. Furthermore, based on recent case law, several candidates stated that

without question all of the prior art referred to in A would be CGK. While there is some basis for presenting this position, it is suggested that it is not appropriate to apply it unquestioningly, and that if it is desired to use a particular piece of admitted prior art as CGK, it is best to attempt to establish this by evidence. At the very least, the patentee of A will argue strongly against the mere suggestion that the admitted prior art is CGK.

Fundamental to the inventive step issue is the question of whether the invention as claimed would have been obvious to the PSA at the priority date of the claim in the light of the CGK on its own or in combination with certain prior art information. Apart from the possible issue of the cans, the only part of the CGK relevant to the first part of this question is the plastic sheet carriers, but the best candidates discounted this quickly in relation to claim 1 on the basis that it had not been suggested in the CGK to use two of them on the same array of cans and that any suggestion this was obvious would have to be based on hindsight.

The next consideration under inventive step was obviousness in the light of the CGK when combined with prior art information. Candidates were required to clearly identify the Section 7(3) considerations necessary to apply this test and particularly to note the requirement that the prior art information could be a patent specification such as B or C provided it could be reasonably expected to have been ascertained by the PSA. The better candidates discussed this in some detail and raised at least some of the following issues: whether it could be established that patent specifications are part of the art and/or that patent searching was conducted regularly; that B and C are US patent specifications with no Australian or other overseas equivalents; that Mr Rapp was apparently not previously aware of B and C; and that the systems disclosed in B and C have apparently not been used in Australia.

The Examiners do not have a fixed view on whether B and C could be reasonably expected to have been ascertained but, given the doubt and the fact that, if they could, both documents would almost certainly be understood and regarded as relevant, it was expected that candidates would go on to consider the obviousness question in the light of the CGK and each of B and C anyway.

Two of the arguable differences between claim 1 and B are the use of the package with cans and the resilient engagement of the first packaging means with the cans. There is some question of whether the PSA would have found it obvious to replace the bottles in B with the

straight-walled cans shown in A since those cans do not have a shoulder which permits pivoting of the container about the shoulder by tension in the devices 60 and 80 as in B. For this reason, it may be important to get evidence on whether the newer type of cans referred to in I were part of the CGK at the priority date, but even then the cans do not need to be pulled together to avoid them breaking, as with the bottles in B. Subject to this, it would seem obvious to replace the carrier device 80 by one which resiliently engages the containers in which case the only remaining question is whether or not the carrier device 60 is an endless resilient band as defined in claim 1. This should have already been dealt with under novelty – if it is, the claim is arguably lacking an inventive step.

A similar analysis applies to claim 2 in the light of B since the CGK does not affect the second packaging means. If B was concluded to disclose the intermediate resilient strip and claim 1 was reasoned to be lacking in inventive step in the light of the CGK and B, so too would claim 2.

B discloses a handle integral with the carrier device 80 so claim 3 would be arguably be lacking in inventive step in the light of CGK and B if at least claim 1 is. However, given the lack of a handle on the second packaging means in the CGK and B, the package of claims 4 – 6 and the band of claim 7 would be unlikely to be considered obvious in the light of this combination.

Turning to C, again assuming claim 1 has been construed as excluding bottles and bottles can be shown to be part of the CGK, the main question is whether it would be obvious to replace the bottles of C by cans. Since the advantage in C of keeping the upper ends of the bottles apart would also be achieved with cans, if not the necessity, there may be a reasonable argument that this exchange would be an obvious one, in which case claim 1 would be lacking in inventive step in view of CGK and C.

C does not disclose an intermediate resilient strip in the second packaging means so there does not seem to be a question of claim 2 lacking an inventive step over the known CGK and C, but C does describe an integral handle within the band 50 so claims 3 and 4 would likely be considered obvious if claim 1 is, at least when claim 3 is not dependent from claim 2.

Claim 5 requires that the integral handle projects from one side/edge of the second packaging means and this is not disclosed in C. However, if the plastic carrier bags with integral projecting handles are part of the CGK of the PSA, the obviousness question must be asked in the light of this CGK and the combination of bottles as CGK and C. There is no incentive in C to make this further change and the Examiners consider it unlikely to be an obvious one especially as the bag hangs vertically down from two handles, whereas in C the alternative single integral handle in the band 50 would ensure the band and the bottles would be carried non-vertically. Similarly two integral handles of the plastic bag type on the upper edge of the band 50 would tend to cause the band to ride up the bottles.

As with B, no obviousness question seems to arise with claims 6 and 7 in the light of CGK and C.

One candidate questioned whether B and C might be considered together for novelty and inventive step purposes, given that they disclose closely-related subject matter and are in the name of the same patentee. However, there is nothing to suggest they should be treated as a single source of prior art information.

INFRINGEMENT

Several candidates reasoned that some claims of A were not infringed merely because those claims were invalid, and therefore did not consider the infringement of those claims. Not only is this clearly wrong law, but it also does not help the client if the candidate's reasoning on validity is incorrect.

Clearly, the package described in I reads on to claims 1 and 3 to 5 when claim 3 is dependent directly from claim 1 and would infringe those claims, at least when the first packaging means is wholly interconnected and the cans are of the type shown in A. The question of infringement when the first packaging means is in two parts and/or the cans are of the necked type described at the end of I will depend upon the interpretation given to claim 1. Claims 2 and 7 would not be infringed because there is no intermediate resilient strip in I, nor would any claim when dependent from claim 2.

An equally important question, though, is who would infringe. Clearly your client, Mr Rapp and his company, will not infringe as he is only the designer of the package and will not be supplying any part of it. However, his customer, the brewery, would infringe as probably would any separate supplier of the first and second packaging means under the recently clarified Judicial interpretation of Section 117.

If all of the infringed claims have been reasoned to be invalid, with appropriate warnings to your client, you may advise him that he and his customer are in your opinion free to proceed. However, as will be seen under the Amendment section, you would be very concise to give this advice if the main ground of invalidity is S.40. Furthermore, while there does appear to be a reasonable argument that claim 1 is invalid for lack of inventive step over CGK and C, the argument against infringed claim 5 is very weak. Accordingly the client's position does not seem to be very strong.

AMENDMENT

This year, candidates were requested to advise their client on what amendments the patentee might make to overcome its problems with A. Clearly, possible amendments include introducing the subject matter of claim 2 into claim 1 and restricting claim 7 in some way to the defined type of package in which the endless resilient band is substantially as described with reference to the drawings, and generally this is the advice that was given. However, from the patentee's point of view it would be better off attempting to overcome the Section 40 issues in claims 1 and 7 by amending the description to give clear support for the claims. The viability of such an approach would take further investigation beyond the scope of this exercise, but the claims as granted clearly give basis for such an amendment and it is likely to be found allowable by the Patent Office. The allowance of such an amendment would at least tend to negate one of the main arguments countering the finding of infringement of claim 1.

Potentially a similar amendment to the description could also be made in support of claim 3, but the most appropriate alternative amendment is for the patentee to delete claim 3 altogether and renumber the remaining claims. Merely deleting reference to the first packaging means from claim 3 would make claim 4 entirely redundant on it.

Claim 6 should be amended by the patentee so that it positively depends from claim 2 or claim 1 if claim 1 is itself amended to incorporate the subject matter of claim 2.

OTHER ADVICE

In the question paper, Mr Rapp requests advice on his proposed packaging system and candidates were specifically requested to give any other appropriate advice (than on validity, infringement and amendment of Patent A) to him. The issue the Examiners were hoping to see was a recommendation for Mr Rapp to file a patent application directed to the improvement described in the paragraph abridging pages I1 and I2 before disclosing the invention. However, only one candidate gave this advice. The entitlement to the invention would of course depend upon the nature of the agreement with his customers.

Other appropriate advice might include a recommendation to your client that he or his customer apply to the Courts for the revocation of Patent A prior to launching the package, possibly with the aim of settling with the patentee. Usually such advice would include the options of re-examination before the Patent Office and adopting a wait-and-see attitude with regard to the patent. However, the principal ground of attack, Section 40, is not available in re-examination proceedings and any doubt in the novelty and inventive step arguments would tend to favour the patentee before the Patent Office. Furthermore, adopting a wait-and-see attitude would give the patentee the option of attempting to remove the Section 40 invalidity issues and possibly otherwise strengthening the claims of A once the patentee has become aware of the package.

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