

AVISO DE NOTIFICACION

0103

000 2926

CORREO CERTIFICADO

Bogotá, D.C.

Radicación :00075405 00000007 Fecha: 01/02/2006 8:12:03
Trámite :2 PATENTES DE INVENCION
Evento :1 REGISTRO/DEPOSITO/CONCESION/DEPOSITO
Actuación :432 COMUNICACION ACTO ADMINISTRATIVO
Solicitante :CASTRO DUQUE RAMIRO Folios:1

Señor (a) (es)
CASTRO DUQUE RAMIRO
CRA 7 NO. 16 - 56 PISO 9
BOGOTA D.C.

REF: RESOLUCION No: 1996
FECHA No. 31/01/2006
EXPEDIENTE No. 0 75405
Trámite :2 PATENTES DE INVENCION
Evento :1 REGISTRO/DEPOSITO/CONCESION/DEPOSITO
Actuación :432 COMUNICACION ACTO ADMINISTRATIVO

Estimado Doctor (a) :

Comendidamente le solicito presentarse a este Despacho ubicado en la Carrera 13 No. 27 - 00 Piso Quinto (5), de la ciudad de Bogotá D.C., dentro del término de cinco (5) días hábiles contados a partir del envío de la presente citación, en horario de 8:30 a.m. a 5:00 p.m. jornada continua, con el fin de notificarle personalmente el contenido de la resolución de la referencia proferida dentro del expediente tramitado con el número de radicación citado en el asunto.

De no hacerse presente en el término indicado anteriormente, la providencia en mención se notificará por edicto, el cual se fijará por el término de diez (10) días en el Centro de Documentación e Información. Para su comodidad el texto completo de la resolución se encontrará disponible en la página web de la Entidad, desde el día hábil siguiente al que se desfije el edicto.

La consulta del listado notificación y del acto administrativo puede ser realizada desde un computador con acceso a Internet, en la página web www.sic.gov.co, con el número de resolución a través de la opción servicios en línea - caracter general - consulta actos administrativos.

Secretaría General
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

412



Industria y Comercio
SUPERINTENDENCIA

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RESOLUCION 1996

Por la cual se niega una patente de invención

Rad. N° 00-75405

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO
en ejercicio de sus facultades legales, en especial de las que se confirieron en el artículo 4, numeral 5 del decreto 2153 de 1992, y

CONSIDERANDO:

PRIMERO: Que mediante escrito radicado en esta Superintendencia el 04 de octubre del 2000, bajo el número 00075405, se presentó la solicitud de patente para la invención denominada: "ARTICULO ABSORBENTE QUE TIENE UN MECANISMO RESUJETABLE", contenida en el expediente de la referencia.

SEGUNDO: Que efectuado el examen de forma en cuanto a los requisitos que debe llenar la solicitud y cumplidas las exigencias legales, se ordenó publicar el extracto sin que se hubieran presentado oposiciones por parte de terceros.

TERCERO: Que el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina establece que: "Si la oficina nacional competente encontrara que la invención no es patentable o que no cumple con alguno de los requisitos establecidos en esta Decisión para la concesión de la patente, lo notificará al solicitante. Este deberá responder a la notificación dentro del plazo de sesenta días contados a partir de la fecha de la notificación. Este plazo podrá ser prorrogado por una sola vez por un período de treinta días adicionales... si el solicitante no respondiera a la notificación dentro del plazo señalado, o si a pesar de la respuesta subsistieran los impedimentos para la concesión, la oficina nacional competente denegará la patente".

CUARTO: Que realizado el examen de fondo, se requirió al solicitante en los términos del artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, para que presentara respuesta a las observaciones de carácter técnico visibles a folios 387 a 420 del cuaderno administrativo, relacionadas con la patentabilidad o cumplimiento de los requisitos establecidos por esta Decisión para la concesión de la patente. Frente a dicho requerimiento no hubo pronunciamiento alguno por parte del mismo, motivo por el cual es procedente negar el privilegio de patente solicitado con fundamento en lo dispuesto en el artículo 45 de la Decisión 486.

RESUELVE:

ARTICULO PRIMERO: Negar el privilegio de patente de invención para la solicitud correspondiente a "ARTICULO ABSORBENTE QUE TIENE UN MECANISMO RESUJETABLE".

Sede Centro: Carrera 13 No. 27-00 Pisos 2, 5, 7 y 10
Sede CAN: Tr. 40A No. 38-50 Conmutador: 3820840
Fax: 382 26 95. Línea 9800-910 165
Web: www.sic.gov.co e-mail: info@sic.gov.co
Bogotá D.C. - Colombia

1996



203

Industria y Comercio
SUPERINTENDENCIA

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RESOLUCIÓN 1996

Por la cual se niega una patente de invención

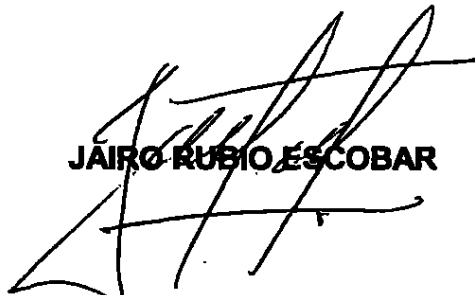
Rad. N° 00-75405

ARTICULO SEGUNDO: Notificar personalmente el contenido de la presente resolución al doctor Ramiro Castro Duque, o a quien haga sus veces, en su calidad de apoderado de Kimberly-Clark Worldwide, Inc., entregándole copia de la misma, advirtiéndole que contra ella procede el recurso de reposición interpuesto ante el Superintendente de Industria y Comercio, al momento de la notificación o dentro de los 5 días hábiles siguientes a ella.

NOTIFÍQUESE Y CUMPLASE

Dada en Bogotá, D.C., a los 31 ENE. 2006

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO,


JAIR RUBIO ESCOBAR

Doctor
RAMIRO CASTRO DUQUE
Carrera 7 N° 16 – 56 Piso 9.
Bogotá D.C. *(m)*

202021

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

414

REC'D 23 APR 2003

Applicant's or agent's file reference 16106	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/43091	International filing date (day/month/year) 23 AUGUST 2000	Priority date (day/month/year) 23 AUGUST 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A61F 13/15 and US Cl.: 604/385.29, 385.01, 391		
Applicant Kimberly-Clarke Worldwide, Inc.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 38.
2. This REPORT consists of a total of 4 sheets.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

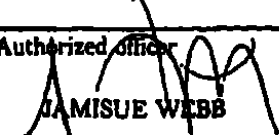
These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
 - ☒ Basis of the report
 - ☐ Priority
 - ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Article 35(3) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

EPO - DG 1

08.05.2003

104

Date of submission of the demand 24 MARCH 2001	Date of completion of this report 05 MARCH 2003
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20531 Facsimile No. (703) 305-3230	Authorized officer  JAMISUE WEBB Telephone No. (703) 308-1148

215

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/23091

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☒ the description:

pages 1-16 , as originally filed

pages NONE , filed with the demand

pages NONE , filed with the letter of

☒ the claims:

pages 17-21 , as originally filed

pages NONE , as amended (together with any statement) under Article 19

pages NONE , filed with the demand

pages NONE , filed with the letter of

☒ the drawings:

pages 1-5 , as originally filed

pages NONE , filed with the demand

pages NONE , filed with the letter of

☒ the sequence listing part of the description:

pages NONE , as originally filed

pages NONE , filed with the demand

pages NONE , filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig. NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

416

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US00/23081

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims <u>2-4, and 10-20</u>	YES
	Claims <u>1, and 5-9</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1 and 5-9 lack novelty under PCT Article 33(2) as being anticipated by Ando et al (5,370,534).

Ando discloses an absorbent article (1) with a front portion, and a back portion that has first and second fasteners (See all figures). Ando discloses a back portion that is sectioned off into two sections. (see Figure 10) The examiner considers the first section of the back portion to be the top section where the lateral sections are attached to, and the second section of the back portion to be from the bottom of the lateral sections down the point where the side edges are substantially parallel to a longitudinal axis. Ando discloses that the length of portion 15D in Figure 10 can be from 2mm to 100mm, or more preferably from 15mm to 50mm (column 8, lines 11-17). In figure 10, 15D measures 10mm, therefore the diaper is assumed to be drawn to scale and the preferably the diaper can be 5 times the size it is drawn in the figure or even 10 times the size it is drawn in the figure. In the figure the length of the first section (L2) is measured as approximately 1 inch, which means it can measure up to 5 inches. The length of the second section (L3) measures at approximately half an inch which means that it can be measured up to 5 inches. Ando discloses the ratio of A3/A4 to be approximately 1.76, with A3 as measured now is 5.85 square centimeters, however can be up scaled up to 585 square centimeters. Ando discloses the article having a crotch portion and an absorbent portion located in between a liquid permeable liner and a liquid impermeable liner and to where in use the article is a pant-like article having a waist opening and a pair of leg openings (see Figure 1-10).

Claims 8-10, 12, 13, and 15-18 lack an inventive step under PCT Article 33(3) as being obvious over Ando et al.

With respect to Claims 8, 9, 12, 13, 17 and 18: Ando discloses the claimed invention except discloses the use of tape fasteners instead of hoop and loop fasteners. Hook and loop fasteners are well known equivalents to tape fasteners in the art. Therefore (Continued on Supplemental Sheet)

417

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/23091

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

because the two fasters are well known art related equivalents, one of ordinary skill in the art would have found it obvious to substitute loop and loop fasteners for tape fasteners. Ando also fails to specifically teach the location of the hook portion and the loop portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hook material on the back portion or the front portion of the article since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

With respect to Claims 10 and 15: Ando, as disclosed above for Claim 1, does not disclose the specific ratio of A2/A3 being between 2.4-4.0 or 3.0-3.7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the ratio of A3/A4 be between the above ranges, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum range or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to Claim 16: Ando discloses A3 being scaled up to 585 square centimeters, L2 up to 5 centimeters, and the width between the leg openings being between 1.5-15 inches, (See rejection of claim 1 above, and Figure 10).

Claims 2-7, 11, 14, 19, and 20, lack an inventive step under PCT Article 33(3) as being obvious over Ando et al in view of Takabayashi et al. (5,817,087).

With respect to Claims 2, 3 and 11: Ando, as disclosed above for claims 1, 10 and 15, teach the use of elastic used in the waist, but fails to teach the use of elastic strands being used in the back portion of the article. Takabayashi discloses the use of elastic strands (11) being used in the waist region of an absorbent article (see Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the article of Ando, include the elastic strands of Takabayashi, in order to provide an absorbent article with continuous gathers along the entire circumference of the article to improve fit (see Takabayashi column 3).

With respect to Claims 4: Takabayashi discloses multiple strands used for the waist opening (See figures 1-2).

With respect to Claims 5-7, 14, 19 and 20: Takabayashi discloses the strands of elastic stretching from 80-140% (See column 4, lines 13-15).

NEW CITATIONS

US 5,370,634 (Ando et al) 6 December 1994, see all figures, column 8, lines 11-17.

US 5,817,087 (Takabayashi et al) 6 October 1998, See all Figures, column 3 lines 1-65 and column 4 lines 13-15.

418

INTERNATIONAL SEARCH REPORT

Intern. Appl. No.
PCT/US 00/23091

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61F13/15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 906 243 A (DRAVLAND MARY) 6 March 1990 (1990-03-06) the whole document	1-3,10, 11,15
A	GB 2 244 422 A (KAO CORP) 4 December 1991 (1991-12-04) claims; figures 7-11	1-20
Y	GB 2 294 865 A (MOELNLYCKE AB) 15 May 1996 (1996-05-15) claims; figures -/-	1-8, 10-12, 14-17, 19,20

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubt on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

14 November 2000

Date of mailing of the international search report

27/11/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax (+31-70) 340-3016

Authorized officer

Mirza, A

419

INTERNATIONAL SEARCH REPORT

Intern: of Application No
PCT/US 00/23091

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 450 541 A (KIMBERLY CLARK CO) 9 October 1991 (1991-10-09) column 5, line 5 - line 24 column 15, line 46 -column 16, line 55; figures 15-17	1-8, 10-12, 14-17, 19,20
A	EP 0 412 579 A (KIMBERLY CLARK CO) 13 February 1991 (1991-02-13) claims; figures	1-20