

AVISO DE NOTIFICACION

0103

CORREO CERTIFICADO

010 2919

Bogotá, D.C.

Radicación :00075409 00000008 Fecha: 01/02/2006 8:11:44
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: 1989
FECHA No. 31/01/2006
EXPEDIENTE No. 0 75409
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

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Industria y Comercio
SUPERINTENDENCIA

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RESOLUCION 1989

Por la cual se ~~se~~ ^{se} niega una patente de invención

Rad. N° 00-75409

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 00075409, se presentó la solicitud de patente para la invención denominada: "ARTICULO ABSORBENTE QUE EXHIBE MEJORADO AJUSTE AL CUERPO", 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 142 a 249 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 EXHIBE MEJORADO AJUSTE AL CUERPO".

Sede Centro: Carrera 13 No. 27-00 Pisos 2, 5, 7 y 10
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1989



REPUBLICA DE COLOMBIA SUP
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RESOLUCION 1989

Por la cual se niega una patente de invención

Rad. N° 00-75409

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.

NOTÍFQUESE Y CUMPLASE

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

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO,

JAIRO RUBIO ESCOBAR

Doctor
RAMIRO CASTRO DUQUE
Carrera 7 N° 16 – 56 Piso 9.
Bogotá D.C.,

202021

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 FEB 2002

WIPO PCT

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Applicant's or agent's file reference 10107	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/22025	International filing date (day/month/year) 25 AUGUST 2000	Priority date (day/month/year) 25 AUGUST 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A61F 13/15, 13/20 and US Cl: 606/205.92, 205.97, 205.99, 206		
Applicant KIMBERLY-CLARK 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 36.
2. This REPORT consists of a total of 2 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 807 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

EPO - DG 1

05.04.2002

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Date of submission of the demand 31 MARCH 2001	Date of completion of this report 05 JANUARY 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20531	Authorized officer  J. WEISS
Facsimile No. (703) 205-2220	Telephone No. (703) 205-2617

Form PCT/IPEA/400 (cover sheet) (July 1999)*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/23095

I. Basis of the report

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

☐ the international application as originally filed☒ the description:

pages (See Attached)

, as originally filed

pages , filed with the demand

pages , filed with the letter of

☒ the claims:

pages (See Attached)

, as originally filed

pages , as amended (together with any statement) under Article 19

pages , filed with the demand

pages , filed with the letter of

☒ the drawings:

pages (See Attached)

, as originally filed

pages , filed with the demand

pages , filed with the letter of

☒ the sequence listing part of the description:

pages (See Attached)

, as originally filed

pages , filed with the demand

pages , 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. NONE5. ☐ 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(e)).**

* 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.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US00/88008

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>8-9, 11-18, 19-20</u>	YES
	Claims	<u>1-6, 5-10, 19-14</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 1-8, 9-10 and 19-14 lack novelty under PCT Article 35(2) as being anticipated by Stevens et al.
Claims 1-8, 9-7 and 9: see Figures, col. 6, lines 19-17, paragraph bridging pages 11-18 of the instant application, element 68, i.e. continuous crotch and leg elastics "abut" each other.
Claims 9, 10 and 19-14: It should be noted that the angle is not specifically set forth, i.e. 0 degrees to 360 degrees. See, e.g., col. 17, lines 17-20.

Claims 1-20 lack an inventive step under PCT Article 35(2) as being obvious over Rajala et al. '982 in view of Repke et al and Boland et al. '844 and '786.

In regard to claims 1-8, 7 and 9: See Figures 1-7, col. 7, lines 2-57, col. 12, lines 20-25 and 18-24. Rajala et al. '982 device includes all the claimed structure except for means for releasably attaching the portions. Rajala et al. teaches seals 30 and 32. However, see Repke et al., col. 15, lines 29-45 and Boland et al. '786, elements 43, 45, 47, 49, and Boland et al. '844, element 46. To make the seals of Rajala et al. releasably attaching instead would be obvious in view of interchangeability as taught by Repke et al. and Boland et al.

In regard to claims 9-10, 14, 15-16 and 19-20, a second section containing rugosities aligned at an angle to the longitudinal central axis is claimed. It is noted no specific angle is claimed, i.e., could be 0 degrees to 360 degrees. See col. 7, lines 29-36 or col. 7 lines 35-57 and 4-8 and 45-54 and Figure 2, i.e. gathers, folds or pleats form rugosities.

In regard to claims 9, 13, 16 and 17, the elongation of the first section is claimed. See col. 7, lines 4-8, 29-36 and 45-47 and col. 12, lines 18-24, i.e., the first section elongates but no specific elongation is set forth. See Repke et al., col. 11, lines 19-25 and col. 12, line 27-col. 12, line 18 and Boland et al. '844, col. 8, lines 29-34 and col. 8, lines 25-27 and Boland et al. '786, col. 9, lines 43-44 and col. 8, lines 5-7. To make the first section capable of the specific elongation claimed as taught by Repke and Boland et al on the Rajala et al. device would not involve an inventive step in view of the recognition (Continued on Supplemental Sheet.)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/28025

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The description is objected to as containing the following defect(s) under PCT Rule 68.2(a)(iii) in the form or contents thereof:

On page 2, line 4, "or" should be --and--.

On page 4, line 5, "10" should be --10--.

In Figure 1, what are the solid lines forming a box with line 22?

Where in Figure 7 are crotch elastics 70, 72 shown, see page 11, lines 4-8.

The trademarks on page 18 should not include the trademark symbol.

A clear antecedent basis for claim 18, lines 2-4 and claims 17-18 should be set forth.

Claims 1-20 are objected to under PCT Rule 68.2(a)(iii) as containing the following defect(s) in the form or contents thereof:
In claims 1, 10 and 18, section (d), "or" should be --and--.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/90095

Supplemental Box

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

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
 page(s) 1-15, as originally filed.
 page(s) NONE, filed with the demand.
 and additional amendments:
 NONE

This report has been drawn on the basis of the claims,
 page(s) 16-19, as originally filed.
 page(s) NONE, as amended under Article 19.
 page(s) NONE, filed with the demand.
 and additional amendments:
 NONE

This report has been drawn on the basis of the drawings,
 page(s) 5, as originally filed.
 page(s) NONE, filed with the demand.
 and additional amendments:
 Pages 1-4, filed with the letter of 28 November 2001

This report has been drawn on the basis of the sequence listing part of the description:
 page(s) NONE, as originally filed.
 page(s) NONE, filed with the demand.
 and additional amendments:
 NONE

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

that such would provide good fit yet be self adjusting and the desirability of such by Rajala et al.

----- NEW CITATIONS -----

US 4,205,679 A (REPKE et al.) 03 June 1980, see col. 15, lines 41-45, col. 11, lines 12-25 and col. 12, line 67-col. 13, line 18.

US 4,747,846 A (BOLAND et al.) 31 May 1988, see Figures, elements 42, col. 2, lines 62-64 and col. 3, lines 25-27.

US 4,699,621 A (STEVENSON et al.) 13 October 1987, see Figures, col. 4, lines 12-17, col. 17, lines 17-30.

US 4,834,736 A (BOLAND et al.) 30 May 1989, see Figures, elements 43, 45, 47, 49, col. 2, lines 42-44 and col. 3, lines 5-7.

US 5,745,922 A (RAJALA et al.) 05 May 1998, see Figures 1-7, col. 7, lines 2-57, col. 12, lines 50-55 and 18-24.

INTERNATIONAL SEARCH REPORT

International Application No.
PCT/US 00/23095

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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	EP 0 321 985 A (KIMBERLY CLARK CO) 28 June 1989 (1989-06-28) abstract; figures column 4, line 54 -column 5, line 22	1,2,5-8, 10, 13-15, 17-20
X	WO 96 11657 A (KAO CORP.; KURAHASHI MASAO (JP); KAWAGUCHI HARUKO (JP); TOYODA HARU) 25 April 1996 (1996-04-25) abstract; figures page 13, line 11 - line 25	1-20
A	WO 97 36566 A (PROCTER & GAMBLE) 9 October 1997 (1997-10-09) claims; figures -/-	1-20



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 doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (see specification)
- "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.
- "E" 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

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Authorized officer

Mirza, A

INTERNATIONAL SEARCH REPORT

International Application No PCT/US 00/23095

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 450 541 A (KIMBERLY CLARK CO) 9 October 1991 (1991-10-09) claims; figures 15-17	1-20
A	US 4 205 679 A (BROOKS RALPH H JR ET AL) 3 June 1980 (1980-06-03) claims; figures	1-20
A	US 4 906 243 A (DRAVLAND MARY) 6 March 1990 (1990-03-06) claims; figures	1-20