

ESCOBAR - URIBE ASOCIADOS

A B O G A D O S

Carrera 11A No. 94 -76 - OL305 - P.O. Box 94948, Bogotá, D.C. - Colombia

Tel: (571) 6162051 - Fax (571) 6161889

www.escobaruribe.com - info@escobaruribe.com

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

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Tm. 2 PATENTES

Eve: 1 RESDEPOSITO

Act 609 IMPULSOPROCESAL Folios: 1

As: 2475/P.

Doctor

GIANCARLO MARCENARO JIMÉNEZ

Superintendente Delegado Para la Propiedad Industrial

EXPEDIENTE: 02-068.644

**ASUNTO: Solicitud de patente a nombre de
Johnson & Johnson Consumer Companies, Inc.**

Estimado Doctor:

En mi calidad de apoderada de la sociedad solicitante de la patente de la referencia manifiesto a usted lo siguiente:

1. Mediante memorial radicado en ese despacho el 08 de septiembre de 2004, el cual no ha sido resuelto aún, solicité que se realizara el examen de patentabilidad.
2. En vista de que han transcurrido 1 año y 10 meses, sin que se haya atendido dicha solicitud, ruego a usted se sirva dar las instrucciones del caso para que se proceda de inmediato a resolver este asunto.

Cordialmente,



JIMENA ESCOBAR URIBE

CC 39.779.452 de Usaquén.

T.P. 68228

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 02- 68644 .

EL EXTRACTO DE LA PRESENTE SOLICITUD DE PATENTE DE INVENCION ,
FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No 540, DE
FECHA 31 DE MAYO DE 2004, EL TERMINO HABIL SEÑALADO POR LA LEY
EXPIRA EL 30 DE AGOSTO DE 2004.

NOTA: Dentro del plazo de los seis (6) meses siguientes a partir de la fecha de publicación en la gaceta de Propiedad Industrial, deberá solicitar y cancelar el examen de patentabilidad so pena de que la solicitud caiga en abandono, de acuerdo con lo establecido en el Artículo 44 de la Decisión 486/2000.

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

SI **NO** ☒ **X**

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**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES**

2020/
Bogotá, D.C.,

Doctora
Jimena Escobar Uribe
Apoderada

Óficio N° 3433

REFERENCIA	Radicación	02 68644
	Trámite	002
	Evento	001
	Actuación	430
	Folios	011

Como resultado del examen de patentabilidad de la solicitud de patente de invención N° 02 68644, realizado según el artículo 45 de la decisión 486 de la comisión de la Comunidad Andina, se notifica:

Documentos estudiados:

- . Descripción: folios 6-20
- . Ejemplos: folios 21-45
- . Capítulo reivindicatorio estudiado: folios 46-54
- . Se reivindica prioridad, presentada en Estados Unidos el 16.08.01, bajo el número 09/931703

Objeto de la invención

Según las reivindicaciones 1 a 37 de la presente solicitud, se refiere a una composición detergente humectante que incluye a) un polímero catiónico, b) un emoliente seleccionado del grupo formado por un diéster, un triéster o una mezcla de ellos, c) un emoliente monoéster y un surfactante limpiador.

Clasificación Internacional de patentes A 61 K 7/50

Determinación del estado de la técnica:

Consultadas las fuentes de información con que cuenta este despacho, se encontraron los siguientes documentos, anteriores a la fecha de prioridad de la presente solicitud - 16.08.01-, relacionados con la materia de la presente solicitud:

Nº	Documento	Título	Fecha de publicación
1	WO 9500116	"Sistema de limpieza personal que comprende una esponja de baño en forma de diamante y un limpiador con humectante"	05.06.95

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Evaluación de los requisitos de patentabilidad:

El artículo 14 de la decisión 486 de la comisión de la comunidad andina establece que: *"Los países miembros otorgarán patentes para las invenciones, sean de producto o de procedimiento, en todos los campos de la tecnología, siempre que sean nuevas, tengan nivel inventivo y sean susceptibles de aplicación industrial"*

En cumplimiento del artículo 14 de la decisión 486 de la comisión de la comunidad andina, se procedió a evaluar los requisitos de novedad, nivel inventivo y aplicación industrial con el fin de establecer la patentabilidad de la invención reivindicada en la solicitud en estudio.

Evaluación de la NOVEDAD

El artículo 16 de la decisión 486 contempla que *"Una invención se considerará nueva cuando no está comprendida en el estado de la técnica"*

La publicación WO 9500116 revela una composición de limpieza personal para humectar la piel que comprende:

- 0.1-5% de un polímero catiónico
- 0.5-15% de una mezcla de mono-, di- y triésteres
- 0.1-20% de un surfactante
-

Finalmente se reivindica un kit de limpieza que contiene la composición limpiadora y una esponja.

La presente solicitud revela composiciones detergentes humectantes que contienen:

- un polímero catiónico
- un emoliente seleccionado de di- y triésteres
- un emoliente monoéster
- un surfactante

Comparando elemento por elemento, las composiciones de la anterioridad citada son iguales a muchas composiciones que se reivindican, afectando la novedad de la presente solicitud.

Evaluación del NIVEL INVENTIVO

El art. 18 de la Decisión 486 contempla *"Se considerará que una invención tiene nivel inventivo, si para una persona del oficio normalmente versada en la materia técnica correspondiente, esa invención no hubiese resultado obvia ni se hubiese derivado de manera evidente del estado de la técnica"*

La publicación WO 9500116 revela una composición de limpieza personal para humectar la piel que comprende:

- 0.1-5% de un polímero catiónico
- 0.5-15% de una mezcla de mono-, di- y triésteres
- 0.1-20% de un surfactante
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Finalmente se reivindica un kit de limpieza que contiene la composición limpiadora y una esponja.

Teniendo en cuenta el objeto de la solicitud, el cual es proporcionar composiciones para la limpieza de la piel que humectan con buena viscosidad y con niveles aceptables de espuma, es una derivación evidente del estado de la técnica revela composiciones similares que cumplen con el mismo objetivo

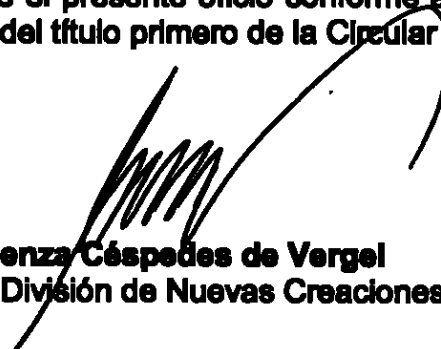
Finalmente, no se ve una ventaja técnica de las composiciones de la presente solicitud en comparación con lo encontrado en el estado de la técnica

En conclusión los requisitos de patentabilidad de la presente solicitud se encuentran afectados así:

Nº	Documento	Reivindicaciones afectadas	Requisito que afecta
1	WO 9500116	1-37	Novedad
		1-37	Nivel Inventivo

En cumplimiento del artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le indica que debe dar respuesta dentro del término de sesenta días contados a partir de la fecha de la notificación de la presente comunicación. En caso de no dar respuesta al presente requerimiento, o si a pesar de la respuesta subsistieran los impedimentos para la concesión, se denegará la patente.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo 5 del título primero de la Circular Única Nº 10 de 2001


Álix Carmona Céspedes de Vergel
 Jefe de la División de Nuevas Creaciones

El anterior requerimiento fue notificado por fijación en lista, de fecha 15 MAR. 2007

CONCEPTO TÉCNICO Número 0394	EXAMINADOR TÉCNICO Código 202024
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PCT

WORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 6: A61K 7/30, 7/00	A2	(11) International Publication Number: WO 95/00116 (43) International Publication Date: 5 January 1995 (05.01.95)
(21) International Application Number: PCT/US94/03915 (22) International Filing Date: 17 June 1994 (17.06.94) (30) Priority Data: 08/080,668 18 June 1993 (18.06.93) US 08/226,451 21 April 1994 (21.04.94) US (71) Applicant: THE PROCTER & GAMBLE COMPANY (US/US); One Procter & Gamble Plaza, Cincinnati, OH 45202 (US). (72) Inventors: GORDON, Gail; 881 Oakfield Avenue, Cincinnati, OH 45224 (US). SCHOENBERG, Cheryl, Owner; 8205 Eldon Mill Court, West Chester, OH 43089 (US). WINDER, Lisa, Catherine; 714 Clough Place, Cincinnati, OH 45245 (US). (74) Agents: REED, T., David et al.; The Procter & Gamble Company, 5299 Spring Grove Avenue, Cincinnati, OH 45217 (US).		(51) Designated States: BR, CA, CN, JP, KR, European patent (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE). Published Without international search report and to be republished upon receipt of that report.
(54) Title: PERSONAL CLEANSING SYSTEM COMPRISING A POLYMERIC DIAMOND-MESH BATH SPONGE AND A LIQUID CLEANSER WITH MOISTURIZER (57) Abstract This invention relates to a system for cleansing the skin comprising a hydrophobic diamond-mesh sponge and a liquid cleansing and moisturizing composition with excellent lather in the same washing and rinsing operation. The system provides improved lather and overall acceptability for mild liquid cleansing compositions which contain moisturizers and especially for those which would otherwise have marginal lather.		

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The liquid cleanser is usually contained in a separate container in an amount large enough for several uses with the mesh sponge.

The personal bath or shower body cleansing system comprising:

- 5 (A) a light weight polymeric meshed personal cleansing hand held sponge; said polymeric mesh sponge being in a form suitable for use as a hand held cleansing implement, said hand held sponge having a diameter of from about two (2) inches to about eight (8) inches (5.08 cm. to about 20.32 cm.); preferably the polymeric meshed personal cleansing hand held polymeric mesh sponge is made of
10 polyethylene diamond mesh and has a diameter of from 3 to 5 inches (7.62 cm. to about 12.7 cm.) and
- (B) a liquid cleanser having: (1) an effective amount of a skin conditioning and moisturizing ingredient; and (2) an effective
15 amount of a surfactant selected from soap and synthetic surfactants and mixtures thereof; preferably the skin conditioning and moisturizing ingredient is selected from the group consisting of oils, cationic and nonionic polymers, and mixtures thereof; and said surfactant selected from mild soaps and mild synthetic surfactants and mixtures thereof; and preferably said cleansing and moisturizing
20 liquid cleanser (1) also contains from about 0.5% to about 10% by weight of said liquid cleanser of a skin conditioner selected from the group consisting of esters of fatty acids; glycerin mono-, di-, and tri-esters; epidermal and sebaceous hydrocarbons such as cholesterol, cholesterol esters, squalene, squalane; lanolin and derivatives;
25 mineral oil, silicone oil, silicone gum, and vegetable oil, and mixtures thereof; and preferably said liquid cleanser contains from about 0.7% to about 4% of an emulsified petrolatum which has a melting point of from about 50°C to about 60°C.

The Polymeric Mesh Sponge and the Cleansing and Moisturizing Liquid Cleanser

- 30 The polymeric mesh sponge and the otherwise low lathering cleansing and moisturizing liquid cleanser together provide a superior cleansing skin care system vs. the prior art. The cleansing and moisturizing (2-in-1) liquid cleanser provides "moisturization" via deposition of a oily material in the 2-in-1 liquid cleanser on the skin surface which material is known to improve skin condition and at a level that
35 surpasses the threshold for a noticeable benefit. It has now been discovered that this can be accomplished by the present invention.

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The following are some specifications for suitable bath polyethylene polymeric mesh sponges:

<u>Size Dia.</u>	<u>Tubes</u>	<u>Ea. Length</u>	<u>Total Length</u>	<u>Wt gm.</u>
3"	2	60 cm	120 cm	15
4"	4	50 cm	200 cm	23
5"	4	80 cm	320 cm	37

One (1") inch = 2.54 cm.; 3" = 3 x 2.54 = cm.; 4" = 4 x 2.54 = cm.; etc.

5 FIG. 1 is a perspective representation of a diamond-mesh polymeric hand held ball-like bath sponge showing a rope handle 7 used in the present invention. The ease with which a cleaning polymeric mesh sponge can be held in the hand for cleaning is shown in FIG. 2. A security band 13 holds the multi-layered netting mesh together to form the polymeric mesh sponge. The netting mesh that can be
10 used in making the polymeric mesh sponge is illustrated in FIG. 3 wherein 21 represents the mesh in stretched position. The fine polymeric filaments used in making the netting are represented by 18 with 19 representing the spot bonding of the filaments to form the open mesh 20.

15 Two 2 netting tubes at 60 cm length, each can be used to make a 3-inch ball sponge. They can be bundled manually with a loop or rope to form a ball-like polymeric mesh sponge. Other designs such as rectangular gloves and washings implements made with the mesh material also work very well in the system of the present invention by increasing the lather of normally lower lathering cleansing and moisturizing liquid cleansers. Some examples of such cleaning implements are the
20 subjects of two U. S. Pat. Appl. of Giradot et al., filed March 31, 1994, via U. S. Express Mail EF296159777US and EF296154777, incorporated herein by reference.

THE CLEANSING AND MOISTURIZING LIQUID CLEANSER

25 The term "cleansing and moisturizing liquid" or 2-in-1 liquid cleanser as used herein includes lathering liquids and semi-solid creams which contain both a lathering ingredient and a moisturizing agent.

30 A preferred cleansing and moisturizing personal cleansing liquid product comprises: (a) from about 0.1% to about 20% of anionic surfactant; (b) from about 0.1% to about 20% of amphoteric surfactant; (c) from about 0.5% to about 25% of a vegetable oil adduct, minors and; (d) balance water.

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The anionic surfactant and amphoteric surfactant together can comprise from about 0.5% to about 30% by weight of the composition; a preferred weight ratio of anionic surfactant:amphoteric surfactant is in the range from about 1:5 to about 20:1.

5 A preferred vegetable oil adduct can be made by Diels-Alder addition of a conjugated, elaidinized form of the vegetable oil with acrylic acid, fumaric acid or maleic anhydride. The preferred adduct is maleated soybean oil. The compositions provide excellent-in-use and efficacy benefits including cleansing and lathering as well as improved mildness and skin conditioning.

10 Another preferred cleansing and moisturizing cleansing composition can contain ingredients selected from the group consisting of: (a) 8% to 35% polyol; (b) 35% to 70%; preferably 40% to 65% water; (c) 5% to 20%, preferably 7% to 19%, of mostly insoluble saturated (low IV of zero to 15) C₈-C₂₂ fatty acid potassium soap; (d) 0.1% to 7%, preferably 0.5 to 5%, of free C₈-C₂₂ fatty acids;
15 and (e) 0.5% to 5%, preferably 0.7% to about 4.5% petrolatum, and mixtures thereof.

The polyol is selected from the group consisting of: glycerin, glycerol, propylene glycol, polypropylene glycols, polyethylene glycols, ethyl hexanediol, hexylene glycols, and other aliphatic alcohols; and mixtures thereof. When
20 propylene glycol is used as a moisturizer, it is used at a level of at least 5%. The polyols are preferably used at levels of from about 10-30%.

The liquid cleanser can contain from about 0.5% to about 15% of a lipophilic emollient moisturizer selected from the group consisting of: petrolatum; esters of fatty acids; glycerin mono-, di-, and tri-esters; epidermal and sebaceous
25 hydrocarbons such as cholesterol, cholesterol esters, squalene, squalane; silicone oils and gums; mineral oil; lanolin and derivatives and the like; and mixtures thereof.

A preferred improved stable product with a moisturizing benefit is achieved with the incorporation of larger sized petrolatum particles into selected fatty acid/soap matrices. The larger sized petrolatum particles will vary for a liquid or
30 semi-solid. The key is to select the fatty acid and/or soap matrix as exemplified herein, and mix in the petrolatum using a minimal controlled amount of shear to maintain larger petrolatum particles and achieve a homogeneous stable product, e.g., an improved benefit is also achieved in a semi-solid cleansing cream.

Any fatty acid matter (free and neutralized) used in the liquid cleanser
35 preferably has an Iodine Value (I.V.) of from zero to about 15, preferably below 10, more preferably below 3.

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The cleansing bath/shower compositions can contain a variety of nonessential optional ingredients suitable for rendering such compositions more desirable. Such conventional optional ingredients are well known to those skilled in the art, e.g., preservatives such as benzyl alcohol, methyl paraben, propyl paraben and imidazolidinyl urea; other thickeners and viscosity modifiers such as C₈-C₁₈ ethanolamide (e.g., coconut ethanolamide); pH adjusting agents such as citric acid, succinic acid, phosphoric acid, sodium hydroxide, etc.; suspending agents such as magnesium/aluminum silicate; perfumes; dyes; and sequestering agents such as disodium ethylenediamine tetraacetate.

If present, the optional components individually generally comprise from about 0.001% to about 10% by weight of the composition, but can be more or less.

Optional thickeners are categorized as cationic, nonionic, or anionic and are selected to provide the desired viscosity. Suitable thickeners are listed in the Glossary and Chapters 3, 4, 12 and 13 of the Handbook of Water-Soluble Gums and Resins, Robert L. Davidson, McGraw-Hill Book Co., New York, N.Y., 1980, incorporated by reference herein.

The liquid personal cleansing products can be thickened by using polymeric additives that hydrate, swell or molecularly associate to provide body (e.g., hydroxypropyl guar gum is used as a thickening aid in shampoo compositions).

A suitable thickener is hydroxy ethyl cellulose, e.g., Natrosol[®] 250 KR sold by The Aqualon Company.

Another thickener is acrylated steareth-20 methylacrylate copolymer sold as Acrysol ICS-1 by Rohm and Haas Company.

The amount of polymeric thickener found useful in the present compositions is about 0.1% to about 2%, preferably from about 0.2% to about 1.0%.

The liquid cleanser can be made with from about 0.1% to about 5%, preferably from about 0.3% to about 3%, of a skin moisturizing cationic polymer selected from the group consisting of: cationic polysaccharides and derivatives, cationic copolymers of saccharides and synthetic monomers, synthetic copolymers and cationic protein derivatives.

MAKING A SOAP-BASED CLEANSING AND MOISTURIZING LIQUID CLEANSER

Most methods of making cleansing and moisturizing liquid cleansers for the present invention use standard industry equipment. For example, a general process for a 6000 gram size batch using a 4.5 gallon jacketed tank agitated by a Lightning Mixer (Model TS2010) fitted with a three prong propeller size agitator with blades

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103What is Claimed is:

1. A personal bath or shower body cleansing system comprising:
 - (A) a light weight polymeric meshed personal cleansing hand held sponge; said polymeric mesh sponge being in a form suitable for use as a hand held cleansing implement, said hand held sponge having a diameter of from about two (2) inches to about eight (8) inches (5.08 cm. to about 20.32 cm.); and
 - (B) a liquid cleanser having: (1) an effective amount of a skin conditioning and moisturizing ingredient; and (2) an effective amount of a surfactant selected from soap and synthetic surfactants and mixtures thereof.
2. The personal bath or shower body cleansing system of Claim 1 wherein said:
 - (A) light weight polymeric meshed personal cleansing hand held polymeric mesh sponge is made of polyethylene diamond mesh and having a diameter of from 3 to 5 inches (7.62 cm. to about 12.7 cm.) and said
 - (B) (1) skin conditioning and moisturizing ingredient is selected from the group consisting of oils, cationic and nonionic polymers, and mixtures thereof; and said (2) surfactant selected from mild soaps and mild synthetic surfactants and mixtures thereof.
3. The personal bath or shower body cleansing system of Claim 1 wherein said:
 - (A) light weight polymeric meshed personal cleansing hand held polymeric mesh sponge is made of a polyethylene diamond mesh; and said
 - (B) cleansing and moisturizing liquid cleanser (1) also contains from about 0.5% to about 10% by weight of said liquid cleanser of a skin conditioner selected from the group consisting of esters of fatty acids; glycerin mono-, di-, and tri-esters; epidermal and sebaceous hydrocarbons such as cholesterol, cholesterol esters, squalene, squalane; lanolin and derivatives; mineral oil, silicone oil, silicone gum, and vegetable oil, and mixtures thereof.

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4. The personal bath or shower body cleansing system of Claim 1 wherein said liquid cleanser contains from about 0.7% to about 4% of emulsified petrolatum which has a melting point of from about 50°C to about 60°C.

5. The personal bath or shower body cleansing system according to Claim 1 wherein said liquid cleanser comprises from about 1% to about 25% of lathering synthetic surfactant having a lathering grade at least as well as C16 alkyl glyceryl ether sulfonate.

6. The personal cleansing system according to Claim 1 wherein said liquid cleanser contains: from about 0.1 to about 5% cationic polymeric skin conditioner selected from the group consisting of: cationic polysaccharides and derivatives, cationic copolymers of saccharides and synthetic monomers, synthetic copolymers and cationic protein derivatives.

7. The personal cleansing system according to Claim 6 wherein said liquid cleanser contains: from about 0.5% to about 5% of a lipophilic skin conditioner selected from the group consisting of: petrolatum, esters of fatty acids, glycerin mono-, di-, and tri-esters; epidermal and sebaceous hydrocarbons, silicone oil, silicone gum, lanolin and derivatives, and mixtures thereof, and

wherein said liquid has a neat viscosity of from about 500 cps to less than 60,000 cps at 27.6°C (80°F).

8. The personal bath or shower body cleansing system of Claim 1 wherein said:

(A) light weight polymeric meshed personal cleansing hand held polymeric mesh sponge is made of a polyethylene diamond mesh; and said

(B) cleansing and moisturizing liquid cleanser (1) also contains from about 0.5% to about 10% by weight of said liquid cleanser of a skin conditioner selected from the group consisting of esters of fatty acids; glycerin mono-, di-, and tri-esters; epidermal and sebaceous hydrocarbons such as cholesterol, cholesterol esters, squalene, squalene; lanolin and derivatives; mineral oil, silicone oil and silicone gum, vegetable oil, and mixtures thereof, and/or from about 10% to 30% of a polyol selected from the group consisting of: glycerin, glycerol, propylene glycol, polypropylene glycols, polyethylene glycols, ethyl hexanediol, hexylene glycols, and mixtures thereof.

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12. A personal bath or shower body cleansing kit according to Claim 11 wherein said liquid cleanser comprises:

Ingredients in parts by wt.			
of the liquid cleanser:		From	To
5	Water	55	60
	Cocoamphoacetate/ Cocoamphodiacetate	4	8
	Sodium Laureth-3 Sulfate	10	15
	Alkylpolysaccharide	0	3
10	Coconut monoethanol amide	2	3
	Soybean Oil	7	9
	Maleated Soybean Oil	1	4
	Polymer JR30	0.2	0.6
15	PEG(6) Caprylic/ Caprylglycerate	3	5
	Myristic Acid	0	3
	Palm Kernel Acid	0	2
	Glycerine	2	4
20	Titanium Dioxide	0	0.2
	Perfume	1	2
	Preservative	0.1	0.3

and wherein said liquid cleanser with moisturizer is contained in a dispenser for periodic dispensing a portion of said cleanser onto said mesh sponge for use in bath or shower.

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EXAMEN TÉCNICO DE FONDO	
Número de Expediente: 07-68644	Fecha de Presentación: 06.08.07
Número de Expediente: 02 09/931 105	Fecha de Recepción: 16.08.07
País de Origen: Inspección de España 2006/08/10	

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BASES DE DATOS INTERNACIONALES DE BÚSQUEDA			
16.08.07			

DOCUMENTOS CORRESPONDIENTES EN OTROS PAÍSES			
Ep 1784136			
Patente Original			

BASE DE DATOS CONSULTADAS			
Episla 2			
Espace.net			

FORMES DE EXAMENES EN OTRAS OFICINAS		
Oficina	Fecha	Rev. Recibida

AUTORIDADES ENCONTRADAS		
Documento	Revista	Rev. Recibida
WO 950116	NUS	1-37
	huv hu	

REFERENCIAS NO HABIENTES		
Documento	Revista	Rev. Recibida

Oportunidad

Fecha de Emisión	07.05.07
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