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Miembros ACPI - ASPI - AIPPI

SEÑOR
SUPERINTENDENTE DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
E. S. D.

SUPERINTENDENCIA Y COMERCIO

Radicación: 0251819 0033025 Folio(s) 2
Fecha (MM): 2004-08-19 11:26:20
Tramite: 002 PATENTES D 1 3611980/ 538 PETICION
Dependencia: 0029 DIVISION DE NUEVAS CREACIONES

REF:
Patente de Invención

Expediente No. 02-51819
UNA COMPOSICIÓN PEDICULICIDA

JAIME EDUARDO DELGADO VILLEGAS, Abogado, mayor y vecino de Bogotá, e identificado con Cédula de Ciudadanía No. 19.270.955 de Bogotá y Tarjeta Profesional de Abogado No. 43.308 del Consejo Superior de la Judicatura, le manifiesto lo siguiente:

Debido a que la Patente de Invención de la referencia, fue publicada en la Gaceta de Propiedad Industrial No. 538 de Marzo 31 de 2.004, de acuerdo al Artículo 44 de la Decisión 486 del Acuerdo de Cartagena, por medio del presente escrito, adjunto el Recibo No. 04-63,961 de Agosto 12 de 2.004, en la suma de \$353,000.00, con el fin de que su Digno Despacho examine si esta Invención es Patentable.

NOTIFICACIONES

Recibiré notificaciones en la Secretaría de su Despacho y en mi oficina de abogado ubicada en la Avenida 22 No. 37 - 31 oficina 202 - Teléfonos 2444096 y 3690624.

Atentamente,


JAIME EDUARDO DELGADO VILLEGAS
C.C. No. 19.270.955 de Bogotá
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Doc. 2004-08-19

**Este recibo debe ser utilizado
Únicamente para tramites de
Mario Delgado Echeverry e Hijos Ltda.**
Marca: Una composición pediculi
da
Expediente: 02-51819

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DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	Nº. PAGO	FECHA PAGO	Gr. PAGO
MARIO DELGADO ECHEVERRY	CONSUMACION	BANCO POPULAR	050-00110-6	07404857	12-05-2004	1,713,000.00

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CANT. CONTABILITADA	CONCEPTO	TOTAL CONCEPTO
1 50005-01-01 SOLICITUDES	05 EXAMEN DE PATENTABILIDAD DE INVEN	353,000.00
	TOTAL :	353,000.00

SON: TRESCIENTOS CINCUENTA Y TRES MIL PESOS

RESPONSABLE : 

RECIBO DE CAJA (PLICADO AL EXPEDIENTE No. _____)

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 02-51819

**EL EXTRACTO DE LA PRESENTE SOLICITUD DE PATENTE DE INVENCION
FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No 538, DE
FECHA 31 DE MARZO DE 2004, EL TERMINO HABIL SEÑALADO POR LA LEY
EXPIRA EL 01 DE JULIO 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 ☒ _____

[54] PEDICULICIDE COMPOSITION AND METHOD OF USE

[76] Inventor: Lester J. Workman, P.O. Box 5567, Sarasota, Fla. 34237

[21] Appl. No.: 439,035

[22] Filed: Jan. 18, 1983

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 249,696, Mar. 31, 1981, Pat. No. 4,374,833.

[31] Int. Cl.³ A61K 31/81

[32] U.S. Cl. 434/234

[33] Field of Search 424/110, 233, 234, 235

[36] References Cited

U.S. PATENT DOCUMENTS

2,664,382 12/1953 Ombandro et al. 434/192

OTHER PUBLICATIONS

Eddy-J. of Invest Dermatol. vol. 32 (1949) pp. 117-123.
 Merck Manual-13th edit. (1972), pp. 1499-17, 1692-1693.

Goodman & Gilman-Pharmacological Basis of Therapeutics-5th edit. (1973), pp. 1072-1073.

Primary Examiner-Sam Rosen

Attorney, Agent, or Firm-Cushman, Darby & Cushman

[57]

ABSTRACT

Body lice are effectively yet safely controlled with a pediculicide composition composed of diocetyl sodium and/or calcium sulfisopicoate and benzyl salicylate in an alcohol medium, the components desirably present in an approximate ratio of 1:1:2, respectively.

6 Claims, No Drawings

PEDICULICIDE COMPOSITION AND METHOD OF USE

CROSS REFERENCE TO RELATED APPLICATION

This application is a continuation-in-part of my earlier application Ser. No. 249,696 filed Mar. 31, 1981, now U.S. Pat. No. 4,374,833.

BACKGROUND OF THE INVENTION

This invention relates to novel lice-killing compositions for the control of lice on animals, primarily humans, and to methods of controlling lice on such animals.

Pediculosis capitis is one of the more common forms of pediculosis in humans due to infestation with the head louse, *Pediculus Humanus Humanus*. Transmission of the lice is usually by personal contact or common use of brushes, combs, or headgear.

Pediculus Capitis is a lice infestation characterized by itching and possibly eczematous dermatitis. In long standing, neglected cases, scratching may result in marked inflammation. Secondary infection by bacteria may occur with formation of pustules, crusts, and supuration. The hair may become matted and give rise to a disgusting odor.

Another form of pediculosis, known as *Pediculus Corporis* or pediculosis vestimentis, is an infestation with the body louse *Pediculus Humanus Corporis*. *P. Corporis* is transmitted by direct contact or use of infested wearing apparel that typically occurs as the result of crowding or unsanitary conditions. Symptoms include intense itching while, in particular, heavy infestations generalized red skin eruptions, mild fever, tiredness, irritability and possibly weakness and debility may occur.

A third type is pediculosis pubis and is due to body infestation with the crab louse, *Phthirus Pubis*, which is generally confined to the hairs of the genital region, but the hair of the axilla, eyebrows, eyelashes, beard, and in hairy individuals, body surface may be involved. Lice may be acquired from direct contact with another infested individual, wearing contaminated clothing, from toilet seats, or from bed clothes. Symptoms include itching, especially in the genital or crural regions; small pale-blue spots resulting from the action of salivary secretion on hemoglobin are characteristic. See generally *The Merck Manual*, 12th Edition, Merck & Co., Inc., pp. 1455-1457 and 1633-1634 (1972).

There are several treatments now used for these conditions. An ectoparasiticide connotes only those drugs that are used against the animal parasite; in the human these are categorized as primarily mitocides, such as for the treatment of scabies, a mite infestation; or pediculocides, for the treatment of lice. Previously proposed chemical treatments include the use of chlorophenothane (DDT) and gamma benzene hexachloride (Kwell), as the major ectoparasitocides. Also benzyl benzoate, pyrethrin, malathion, a combination of tetrahydronaphthalene and capric oleate (Cuprex), isobornyl thiocyanacetate, sulfur ointment U.S.P. and sulfurated lime have been used. The use of each of these materials has been questioned as to precautions and potential adverse responses and/or effectiveness; see Goodman and Gilman, *The Pharmacological Basis of Therapeutics*, 5th Edition, pp. 1012-1015 (1975).

Other forms of treatment are physical in nature and include removal of the hair-infested areas in question,

followed by washing with strong soap and optionally one of the ectoparasitocides listed above. Clothing or instruments in contact with the affected body parts are also to be sterilized, such as by dry heat (140° F. for five minutes), hot water (150° F. for five minutes) or dry cleaning.

Lice infestation is a world-wide and growing concern, particularly in recent years in the United States among primary school students, and is often embarrassing as it was previously associated only with overcrowded conditions where inadequate facilities for personal hygiene or clean clothing exist. Pediculocides previously employed have now come under more careful examination and review and certain of the more commonly used materials, such as DDT and malathion, may be or have been discontinued. A need remains for a safe yet thoroughly effective pediculocidal composition useful for animals, particularly humans.

DESCRIPTION OF THE INVENTION

My invention includes pediculocidal compositions and methods of eradicating body lice using these compositions. The compositions comprise individual ingredients each of which is recognized as safe enough for topical, and in the case of one component internal, human use.

The pediculocidal compositions of my invention include the following three ingredients: at least one pediculine-effective surface active wetting agent, benzyl salicylate; and an alcohol, preferably present in a weight ratio of 1:1:2, respectively. While I do not wish to be bound to any particular theory, it appears that the chemical action of the surface active wetting agent, for example the preferred surfactant dioctyl sodium sulfosuccinate (DSS), with benzyl salicylate produces a response more effective than the individual use of each ingredient. In particular benzyl salicylate is an important component of the compositions of my invention.

As the surface-active pediculine-effective surface active agent, one can use one or more of any suitable synthetic detergent active compounds which are readily available in commerce and described in the literature, for example in "Surface Active Agents and Detergents," Volumes 1 and 2 by Schwartz, Perry and Berch. Generally stated, the surface active component may include a synthetic anionic, nonionic, amphoteric or zwitterionic compound or mixtures of two or more of these compounds.

The preferred surface active agent is sodium or calcium dioctyl sulfosuccinate because the material is well tolerated and the calcium salt is accepted for internal use in the human body as a cathartic; see *The Merck Index*, 9th Edition, monograph 3257 and 3258 (1976). Thus, from the above grouping a selection will be made of a pharmacologically appropriate and effective surface active agent which when used together with the benzyl salicylate aqueous solution provides a safe yet effective pediculocidal composition.

As the alcohol component of the compositions one may select from C₁-C₄ alcohols, with isopropyl alcohol the preferred material. The alcohol acts as a solvent and vehicle for the other components of the composition. Benzyl salicylate is the third essential component.

The compositions of my invention may take several pharmaceutical forms, such as shampoos, creams, oils, aerosols or pump sprays and powders, in which the active ingredients are absorbed upon an inert carrier, as well as hair creams, sprays, rinses and lotions. The com-

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positions may be applied to the lice-infested area, or preferably to the animals entire body, for effective lice control and eradication. The compositions described herein are concentrates in that they may be diluted with water or other diluent to a strength so that remains effective for killing body lice. One will thus select an appropriate concentration to be economical yet effective for the infestation to be controlled/treated.

Usual pharmaceutical formulating and aesthetic agents may be included in the novel compositions and are included within the scope of my invention. They include colorants, perfumes and agents included to achieve acceptable, well-tolerated pharmacologically elegant formulation.

The preferred composition consists, in percent by weight, of the following:

Ingredient	Range	Preferred
diethyl sodium sulfosuccinate	10-35	25
benzyl salicylate	10-30	25
isopropyl alcohol	balance	50

The compositions can comprise, consist essentially or consist of the materials set forth and the process or method can comprise, consist essentially or consist of the steps set forth with such materials.

It will be understood that while my invention has been described with respect to eradicating or controlling lice infestations in animals, particularly lice on humans, there are numerous other applications to which the compositions of my invention may be put. Also in explaining my invention reference is herein made to various specific procedures and methods for accomplishing the desired result of eradicating or controlling lice of the type described above on warm blooded animals. It will be understood that other procedures and methods are contemplated herein for the desired insect control in addition to those specifically described, utilizing the compositions of my invention.

My invention will now be further illustrated with reference to the following example. Unless otherwise indicated all parts and percentages are by weight and all temperatures are reported in degrees centigrade.

DETAILED DESCRIPTION OF THE INVENTION

The compositions of the invention were tested to determine their effectiveness as pediculocidal materials in liquid form against the adult human louse, *Pediculus Humanus*. In summary, four replicates of 25 lice each, plus at least one control for each batch of lice, was used for each concentration, dipping time variable or any other variable tested.

Ratings and observations are reported as follows:
Morbid—unable to move towards heat one hour after treatment; sickly, but not necessarily dying; may recover by 24 hours.

Moribund—unable to move towards heat, and therefore, 24 hours after treatment; dying. Next, the patch containing the eggs was placed in a plastic container (10 cm x 7 cm) with a screened lid, and the date noted on container. The container was incubated at 31.7° C. (89° F.) and 60% relative humidity. The eggs hatched in approximately 8 days and a blood meal was provided on the 9th day.

Blood meals were served daily. The lice were allowed to feed on the shaved abdomen of a restrained rabbit. The rabbit was placed on its back on the restrai-

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ing rack for approximately 30 minutes. The lice were collected after feeding by moving the corduroy patches back and forth gently over the shaved area of the rabbit. Most of the lice attached to the patch; any remaining lice were picked up with a forceps or camel's hair brush.

Lice used for testing were usually 17±1 day old, as determined from the date of the first blood meal. Adult lice, for egg laying purposes, were kept approximately three weeks from time of hatching then discarded.

Twenty-five adult lice, mixed sexes, were placed in the bottom of the 9 dram test container screened at the bottoms with 20 mesh screen. A screened plunger made from a plastic rod covered at one end with a 20 mesh screen was inserted to keep the lice from floating to the surface. The insecticide to be tested was placed in 100 ml beaker and introduce the beaker into a waterbath maintained at 32° C. The test container was dipped into the insecticide in the 100 ml beaker and the lice were under the pesticide for 2 minutes.

The test concentrate consisted of the following, in percent by weight:

diethyl sodium sulfosuccinate 25%,
benzyl salicylate 25%,
isopropyl alcohol 50%.

Next the test container was removed at the end of desired dipping period and the bottom of the container blotted to remove remaining liquid. The container was dipped into the 1,000 ml beaker containing distilled water at 32° C. and agitated. At the end of one minute, the container was removed and the lice were gently washed in a stream of distilled water at 32° C. from a wash bottle. Excess water was blotted with paper toweling.

The lice were transferred to a clean 4 x 4 cm patch of dark corduroy cloth and a camel's hair brush was used to remove any lice that remain in the container. The corduroy patch was placed in a petri dish 8.9 cm in diameter and 1.3 cm deep. The petri dish with lice was then placed in an incubator maintained at 31.7° C. and 60% RH.

The first observation was made 1 hour following treatment and the petri dish returned to incubator.

Observations were made as follows: the patch with lice was placed on top of a clean patch on the plate of a slide warmer (37° C.). Lice not dead or morbid moved to the lower patch. For the non-treated control, all of the above procedures were repeated except distilled water was substituted for the candidate pediculicide. Observations were repeated in 24 hours to separate living lice from dead and moribund ones (see the above rating scale).

The data collected were converted to percentages. Dead and moribund lice were added together to give mortality at 24 hours. Mortalities among treated lice were corrected by Abbott's formula, Abbott, W. S. (1925), "A Method of Computing the Effectiveness of an Insecticide," J. Econ. Ent. 18: 265-267. This correction allows for any natural mortality which occurred during the test.

Corrected Mortality = $\frac{(\% \text{ Alive in Control}) - (\% \text{ Alive in Test})}{(\% \text{ Alive in Control})} \times 100$

The results of the testing are as follows:

Time	Adult Lice Mortality		
	Alive	Moribund	Dead
+1 hour	0	0	25
+24 hours	0	0	25

The test insect used was the human louse, *Pediculus Humanus Humanus*. This strain is available from Insect Control & Research, Inc., Baltimore, Md. 21228 and was established from the USDA Gainsville strain. It is a susceptible strain and, through selection, has adapted to a rabbit host.

What is claimed is:

1. A method of killing lice on warm-blooded animals comprising the steps of:

(a) applying to said animal a pediculicidely-effective amount of a composition consisting essentially of an alcohol solution of from 10 to about 25 weight percent benzyl salicylate and from 10 up to about 30 weight percent of at least one compatible, pediculicidely-effective surface active wetting agent incorporated therein, the balance of the solution being said alcohol;

(b) allowing the thus applied composition to remain in contact with the infested area for a period of

time sufficient to kill the lice contained therein, and thereafter

(c) removing the composition and killed lice.

2. The method of claim 1 wherein said composition comprises a solution of benzyl salicylate and isopropyl alcohol present in a ratio of about 1:2.

3. The method of claim 1 wherein said pediculicidely-effective surface active agent is dioctyl sodium sulfosuccinate, dioctyl calcium sulfosuccinate or a mixture of the two.

4. The method of claim 1 wherein said composition consists essentially of benzyl salicylate, isopropyl alcohol and a salt of dioctyl sulfosuccinate.

5. A pediculicide composition for killing lice on a warm blooded animal consisting essentially, in percent by weight, of:

dioctyl sodium or calcium sulfosuccinate: about 10 to about 25,

benzyl salicylate: about 10 to about 30,

isopropyl alcohol: balance.

6. A pediculicide composition for killing lice on a warm blooded animal consisting essentially of dioctyl sodium and/or calcium sulfosuccinate, benzyl salicylate and isopropyl alcohol present in a weight ratio of about 1:1:2, respectively.

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

2020

Bogotá, D.C., Septiembre 14 de 2008

Abogado**JAIME EDUARDO DELGADO VILLEGAS**

ASUNTO	Radicación No.	02 051 819
	Trámite	002
	Evento	001
	Actuación	430
	Oficio No.	10977
	Folios	0

Como resultado del examen de patentabilidad de la solicitud de patente de invención, realizado según lo establece el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se notifica el siguiente concepto técnico:

Título de la solicitud: "Una composición pediculicida".

1. Documentos estudiados

Para el presente estudio se tuvieron en cuenta el capítulo descriptivo comprendido en los folios 4 - 14 y el capítulo reivindicatorio de los folios 15 - 17 de la solicitud.

2. Objeto de la invención

El objeto de la presente solicitud de patente de invención consiste en:

Las reivindicaciones 1 - 11 se refieren a composiciones pediculicidas (loción, gel, crema, shampoo) que contienen como principio activo un alcohol saturado de cadena normal ó ramificada de 8 a 16 carbonos. Y opcionalmente contienen piretrinas y piretroides.

La reivindicación 12 se refiere a un método para controlar la pediculosis que consiste en aplicar una composición sobre el cabello del huésped afectado.

El problema planteado en esta solicitud es la necesidad de composiciones para controlar la pediculosis, puesto que han aparecido cepas de piojos resistentes a los insecticidas tradicionales.

Para resolver este problema técnico la solicitud en estudio proporciona composiciones pediculicidas (loción, gel, crema, shampoo) que contienen como principio activo un alcohol saturado de cadena normal ó ramificada de 8 a 16 carbonos, y opcionalmente contienen piretrinas y piretroides.

El objeto de la invención definido anteriormente se clasificó de acuerdo con la IPC: A 61 K 31/45.

No se reivindica prioridad de una Solicitud de Patente previa.

3. Determinación del Estado de la Técnica

El artículo 16 de la decisión 486 de la comisión de la Comunidad Andina que establece que *"El estado de la técnica comprenderá todo lo que haya sido accesible al público por una descripción escrita u oral, utilización, comercialización o cualquier otro medio antes de la fecha de presentación de la solicitud de patente o, en su caso, de la prioridad reconocida."*

Solo para el efecto de la determinación de la novedad, también se considerará dentro del estado de la técnica, el contenido de una solicitud de patente en trámite ante la oficina nacional competente, cuya fecha de presentación o de prioridad fuese anterior a la fecha de presentación o de prioridad de la solicitud de patente que se estuviese examinando, siempre que dicho contenido esté incluido en la solicitud de fecha anterior cuando ella se publique o hubiese transcurrido el plazo previsto en el artículo 40".

Considerando que la fecha de presentación de la solicitud de patente es junio 17 de 2002, se consultaron las bases de datos y los archivos con que cuenta la entidad con fecha de publicación anterior y se encontraron los siguientes documentos que anticipan el objeto de esta solicitud:

No.	Documento	Título	Fecha de Publicación
D1	US 4 447 423	Composición pediculicida y método de uso	Mayo 8, 1984

4. 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, se procedió a evaluar el cumplimiento de 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 del Nivel Inventivo

El artículo 18 de la Decisión 486 de la Comisión de la Comunidad Andina establece que *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 reivindicación 12 se refiere a un método para controlar la pediculosis que consiste en aplicar una composición sobre el cabello del huésped afectado.

D1 enseña un método para controlar la pediculosis que consiste en aplicar una composición sobre el cabello del huésped afectado (ver columna 5, renglones 15 a 18).

Se observa que:

(a) debido a que el método para controlar la pediculosis que consiste en aplicar

una composición sobre el cabello del huésped afectado; era conocido en la anterioridad, una persona de habilidades ordinarias en el arte lo adaptaría fácilmente al reivindicado en esta solicitud;

- (b) la reivindicación de esta solicitud no menciona una característica que conceda un efecto diferente o especial al método, que pueda considerarse como un aporte a la técnica. Es obvio para una persona versada en la materia, que, para que una composición pediculicida dada cause la mortalidad de los piojos, esta debe ponerse en contacto con tales insectos, es decir que hay que aplicarla sobre el cabello del huésped afectado, que es donde se encuentran alojados;
- (c) el resultado obtenido: es decir el método para controlar la pediculosis que consiste en aplicar una composición sobre el cabello del huésped afectado no es inesperado;
- (d) no parece haberse superado un prejuicio técnico anterior, con el método propuesto de manera que el objeto reivindicado no tiene nivel inventivo.

5. Conclusión

En conclusión, los requisitos de patentabilidad de la reivindicación 12 de esta solicitud están afectados así:

Item	Documento	Reivindicaciones afectadas	Requisito que afecta
D1	US 4 447 423	12	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 quinto del título primero de la Circular Unica No. 10 de 2001.


ALIX CARMENZA CÉSPEDES DE VERGEL
 Jefe de la División de Nuevas Creaciones.

El anterior requerimiento fue notificado por fijación en lista, de fecha
28 SET. 2006

CONCEPTO TÉCNICO No. 1458	EXAMINADOR TÉCNICO Código 202007
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