

SUPERINDUSTRIA Y COMERCIO
Radicacion : 04052669 00000002 Folios: 4
Fecha (AMD): 2004-07-07 10:57:16
Tramite : 002 PATENTES D 1 REGISTRO/ 444 REPUESTA
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Señora Jefe de la
División de Nuevas Creaciones
Superintendencia de Industria y Comercio.
E. S. D.



Expediente: 04 52669
Asunto: RESPUESTA OFICIO 05720 DE 17/06/2004
Solicitante: SEKI DE COLOMBIA S.A.
Patente: ASIENTO PARA MOTOCICLETA CON CUBIERTA
PROTECTORA INCORPORADA

REGISTROS
DE MARCAS

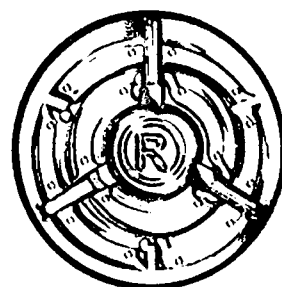
NOMBRES
COMERCIALES

PATENTES

REGISTROS
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DE AUTOR

USURPACION
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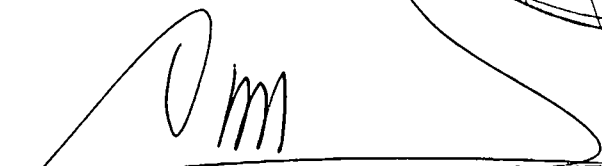
COLOMBIA
SURAMERICA

GUSTAVO ADOLFO ORTEGA HERNANDEZ, Abogado titulado identificado como aparece al pie de mi firma, obrando como apoderado del solicitante de la referencia y actuando dentro de los términos legales, me permito dar respuesta al oficio del asunto en los siguientes términos;

Me permito anexar el formulario de solicitud actualizado, igualmente adjunto un resumen de la invención.

De acuerdo a lo anterior, solicito continuar con el tramite la patente.

Señor jefe,


GUSTAVO ADOLFO ORTEGA HERNÁNDEZ
CC.-No. 71.645.365. de Medellín
T.P. No. 55.358. del C.S.J.

ANEXO 3 FOLIOS

PETITORIO



Espacio reservado para el adhesivo de radicación

FORMULARIO ÚNICO DE SOLICITUD DE PATENTE

1

SOLICITUD DE :

☒ Patente de Invención.

☐ Patente de Modelo de Utilidad.

2

SOLICITANTE
(71)

Nombre: SEKI DE COLOMBIA S.A.

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Nacionalidad o Domicilio: COLOMBIA

Lugar de Constitución: ITAGUI

Teléfono: 3711884 Fax: 2810629

E-mail:

IDENTIFICACIÓN

C.C. ☐ NIT ☒

C.E. ☐ Otro ☐

Cual

Número 811.019.658-1

3

REPRESENTANTE
O APODERADO

Nombre: GUSTAVO ADOLFO ORTEGA
HERNANDEZ

Dirección: CRA 7 # 24-89 OF 3801 A

Teléfono: 5612020 Fax: 5960009

E-mail: juridica@provimarcas.com

IDENTIFICACIÓN

C.C. ☒ NIT ☐

C.E. ☐ Otro ☐

Cual

Número 71.645.365 Tp 55358

4

INVENTOR (ES)
(72)

Nombre: HORACIO FERNANDEZ ESCOBAR

Dirección: CALLE 11 # 30ª-66 APTO 202

Nacionalidad o Domicilio COLOMBIA -MEDELLIN ANTIOQUIA

5

Título (54) ASIENTO PARA MOTOCICLETA CON CUBIERTA PROTECTORA INTEGRADA

6

Clasificación Internacional (51)

7

Prioridad

SI ☐ NO ☐

(33) País de Origen

(32) Fecha

(31) Número de Solicitud

8

Para publicar a partir de la fecha de la presente solicitud a los:

6 meses ☒ 12 meses ☐ 18 meses ☐ Otro ☐ Cual

9

Comprobante de pago No.

Fecha

Instrucciones para el diligenciamiento del presente formulario, ver reverso de esta página.

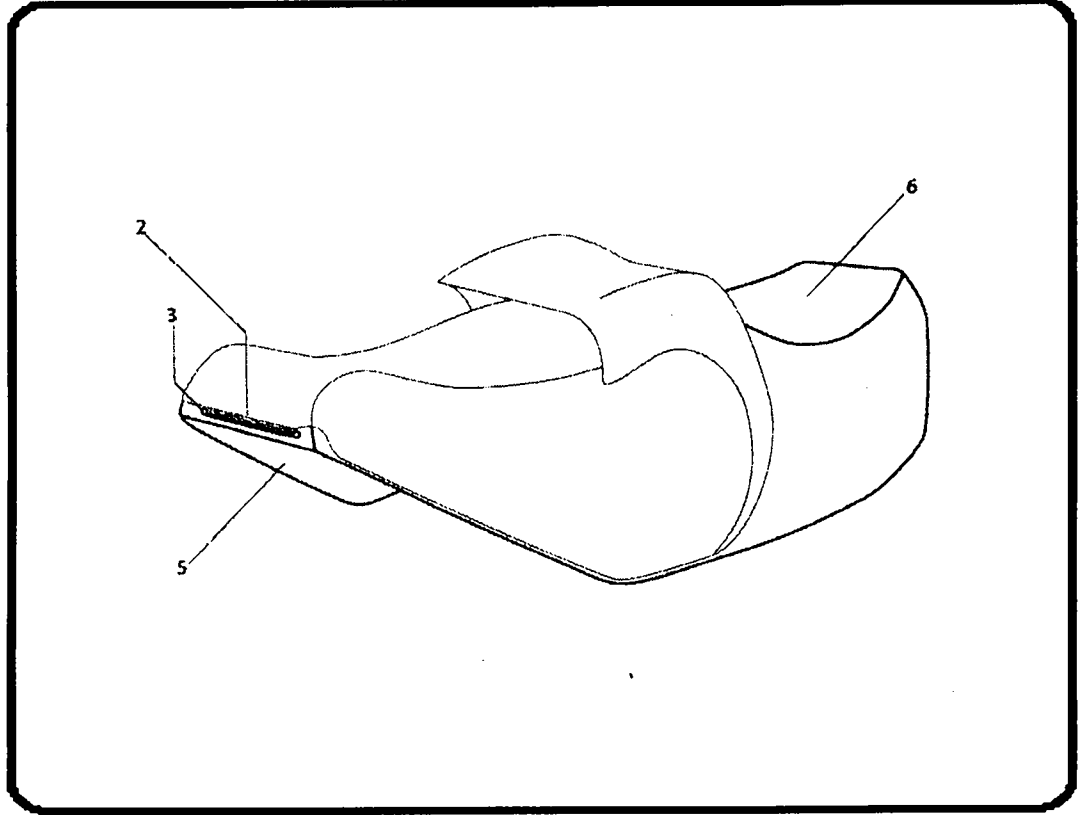
10

ANEXOS

- ☒ Comprobante de pago de la tasa de presentación de la solicitud.
- ☐ Comprobante de pago de la tasa por concepto de excedente de palabras en la publicación.
- ☐ Comprobante de pago por reivindicación de prioridad.
- ☐ Documento que acredite la existencia y representación legal cuando el solicitante sea persona jurídica.
- ☒ Poderes, si fuere el caso.
- ☒ Certificado de la fecha de presentación de la solicitud prioridad expedida por la autoridad correspondiente y una copia certificada de la primera solicitud, si se reivindica prioridad.
- ☐ Traducción simple de la primera solicitud, si se reivindica prioridad.
- ☐ Documento de cesión del inventor al solicitante o a su causante.
- ☐ Resumen
- ☒ Descripción de la invención.
- ☒ Una o mas reivindicaciones.
- ☒ Dibujos y/o planos necesarios
- ☐ De ser el caso, copia del contrato de acceso.
- ☐ De ser el caso, documento que acredite la licencia o autorización de uso de conocimientos tradicionales de las comunidades indígenas.
- ☐ De ser el caso, certificado de depósito del material biológico
- ☒ Antefinal 12x12.
- ☐ De ser el caso, información sobre otras solicitudes de patente o títulos obtenidos en el extranjero por el mismo titular o su causante, relacionadas parcial o totalmente con la invención de esta solicitud.

11

FIGURA CARACTERÍSTICA:



12

Solicito la concesión de la patente,

NOMBRE: GUSTAVO ADOLFO ORTEGA HERNANDEZ

FIRMA: [Handwritten Signature]
C.C. 71.645.365 T.P. 55.358

RESUMEN

Asiento para motocicleta, que tiene en su interior un comportamiento que contiene una cubierta protectora integrada y adherida al mismo; está provisto de los medios necesarios para que la cubierta pueda ser extraída y desplegada y con ella cubrir todo el asiento y así reducir el calentamiento que sobre el producen los rayos solares; y protegerlo además contra los efectos producidos por factores, climáticos, atmosféricos y ambientales. Asiento y cubierta están provistos de los medios necesarios que hacen posible que una vez la cubierta este sobre el asiento, quede fijada y asegurada al mismo.

2° EXAMEN DE FORMA, PATENTE DE INVENCION

Radicación N° **04-52669**

Folio 31

Concepto Técnico N° **680**Clasificación Internacional de Patentes: **B62J 1/00**

Practicado el examen de acuerdo a lo establecido en el Art. 38 de la Decisión 486, se determinó que esta solicitud de **Patente**:

- SI ☒ NO ☐ Contiene un resumen de la invención (Art. 26-e)
- SI ☒ NO ☐ Contiene el título o nombre de la invención (Art. 27-d)
- SI ☒ NO ☐ Contiene la descripción de la invención (Art. 26-b)
- SI ☒ NO ☐ NO ES APLICABLE ☐ Contiene los dibujos necesarios para comprender la invención (Art. 26-d)
- SI ☒ NO ☐ Contiene una o más reivindicaciones (Art. 26-c)
- SI ☐ NO ☐ NO ES APLICABLE ☒ Han sido desarrollados los productos a partir de recursos genéticos o de sus productos derivados de los que cualquiera de los Países Miembros es país de origen (Art. 26-h)
- SI ☐ NO ☐ NO ES APLICABLE ☒ Los productos y o procedimientos han sido obtenidos o desarrollados a partir de los conocimientos tradicionales de las comunidades indígenas, afro americanas, o locales de los Países Miembros, de acuerdo a lo establecido en la Decisión 391 y sus modificaciones y reglamentaciones vigentes (Art. 26-i)
- SI ☐ NO ☒ La invención se refiere a un producto relativo a un material biológico (Art. 26-j)
- SI ☐ NO ☐ NO ES APLICABLE ☒ La prioridad coincide con la materia reivindicada.
- SI ☒ NO ☐ **CUMPLE LOS REQUISITOS TÉCNICOS**

OBSERVACIONES Y OTROS: SI ☐ NO ☐ Ver hoja(s) anexa(s)

EXAMINADOR TÉCNICO: 202051

Bogotá D C, septiembre 5 de 2005.

2020
Bogotá D C

Doctor(a):
GUSTAVO ADOLFO ORTEGA HERNANDEZ.
Apoderado (a)

REFERENCIA:	Radicación N°	04-52669
	Trámite	002
	Evento	001
	Actuación	416
	Oficio N°	835
	Folios	001

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en los artículos 26 y 27 de la Decisión 486, de la Comisión de la Comunidad Andina, y en las demás disposiciones vigentes sobre la materia, se envía el extracto de la solicitud a la oficina de comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial, conforme lo establece el artículo 40 de la Decisión 486.

Cúmplase

Dado en Bogotá D C,

12 SET. 2005


ALIX CARMENZA CÉSPEDES DE VERGEL
Jefe División de Nuevas Creaciones.

202051



Industria y Comercio
SUPERINTENDENCIA

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No.04-052669

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCION**

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **557** DE

FECHA **31 DE OCTUBRE DEL 2005**, EL TERMINO HABIL SEÑALADO POR LA

LEY EXPIRA EL **27 DE ENERO DEL 2006**

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 ☐ ☒ ☐

Bogotá D.C., Noviembre de 2006

NO X

Nov. 3, 1970

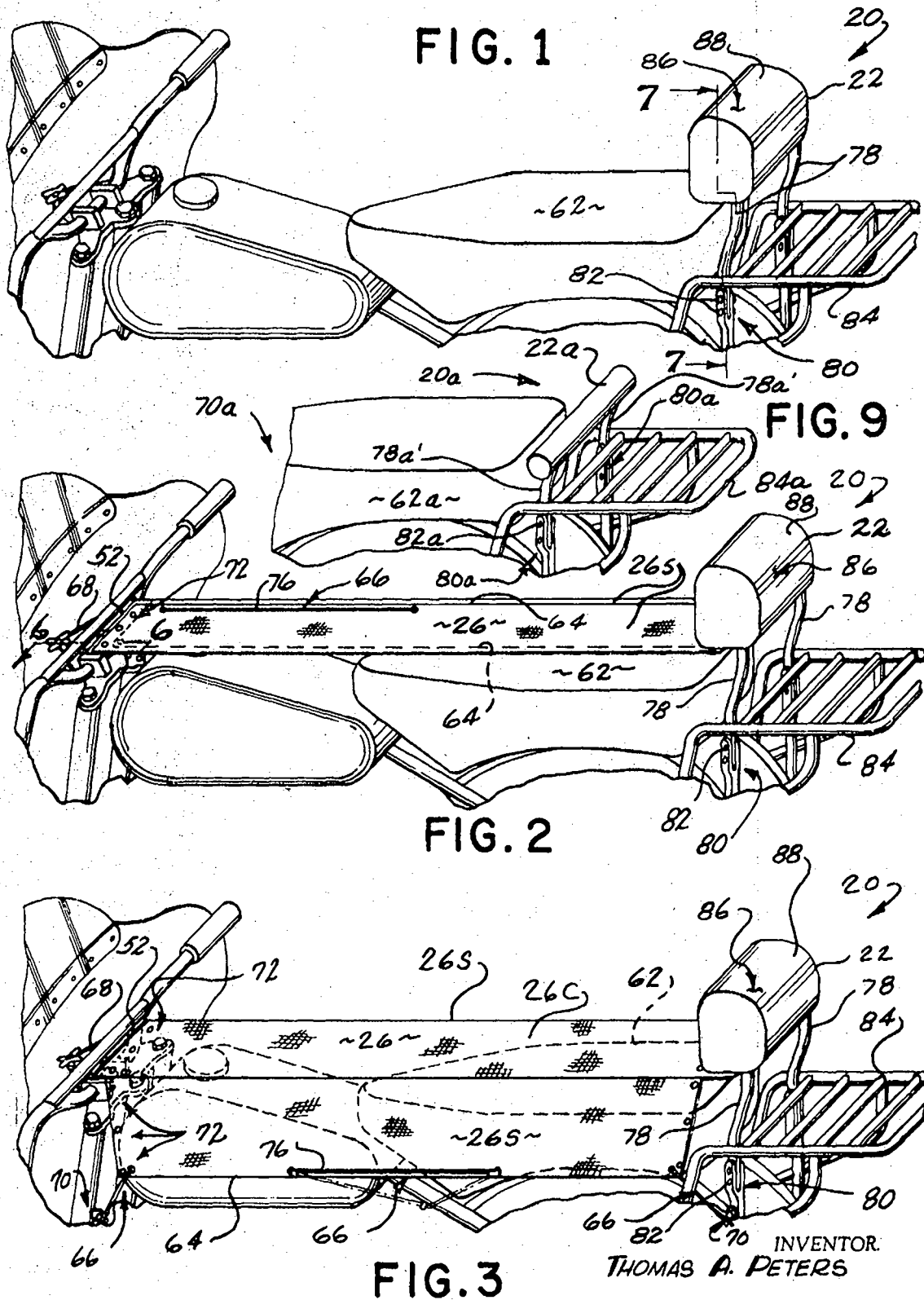
T. A. PETERS

3,537,746

NORMALLY RETRACTED, CONTROLLABLY EXTENDABLE
PROTECTIVE COVER FOR A MOTORCYCLE SEAT

Filed April 8, 1968

2 Sheets-Sheet 1



Nov. 3, 1970

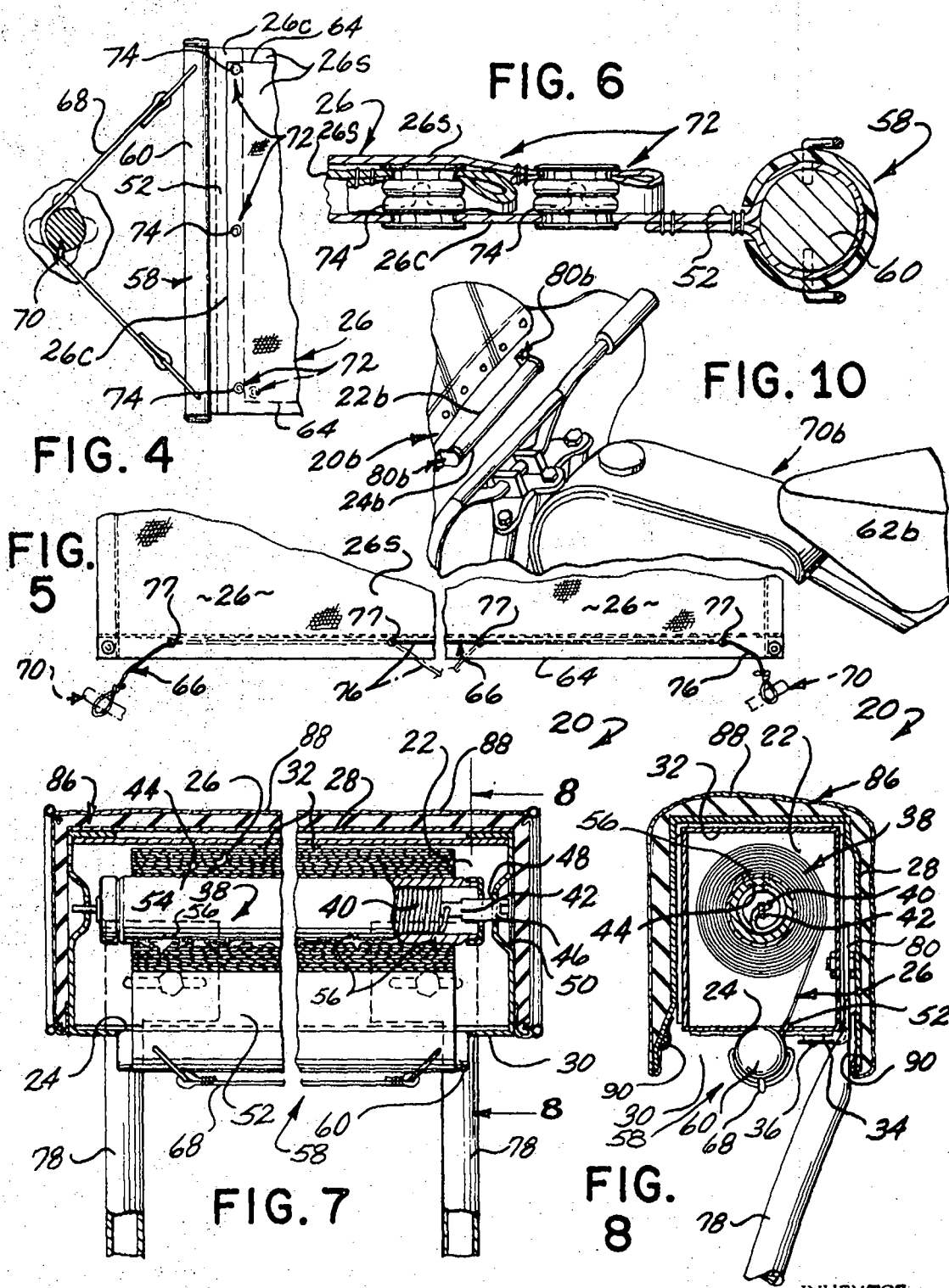
T. A. PETERS

3,537,746

NORMALLY RETRACTED, CONTROLLABLY EXTENDABLE
PROTECTIVE COVER FOR A MOTORCYCLE SEAT

Filed April 8, 1968

2 Sheets-Sheet 2



INVENTOR
THOMAS A. PETERS

3,537,746

5

a substantially downwardly open storage chamber 22 defined therewithin which is provided with a downwardly directed exit slot 24 at the bottom thereof through which a folded, thin, flexible protective sheet, indicated generally at 26, is adapted to be controllably extended and retracted.

In the exemplary first form of the invention illustrated, the housing means, indicated generally at 20, comprises an outer housing portion 28 which has a large bottom opening 30 and an inner housing portion 32 which is adapted to be mounted within the outer housing portion 28 in a controllably removable manner, thus facilitating assembly and disassembly thereof for repair or replacement of any of the moving portions of the device.

In the example illustrated, the two outer and inner housing portions 28 and 32 effectively comprise the previously mentioned housing means generally designated by the reference numeral 20. However, it should be clearly understood that this is merely one exemplary construction of said housing means 20 and is not to be construed as specifically limiting the invention to an arrangement having such separable outer and inner housing portions as those indicated at 28 and 32, respectively.

In the example illustrated, the inner housing portion 32 is fastened within the outer housing portion 28 by a strap 34 and a snap fastener 36. However, again it should be noted that this is merely exemplary and is not to be construed as specifically so limiting the invention.

The inner housing portion 32 is actually the one which has the previously mentioned narrow exit slot 24 therein, although if a single housing is employed it would, of course, define the narrow exit slot 24.

The flexible protective sheet 26 is adapted to normally be stored in spirally wound form within the storage chamber 22 carried around a central, laterally directed roller means, indicated generally at 38, which is similar in many respects to a conventional window blind roller. This is accomplished by reason of the fact that the roller means 38 is effectively spring-biased into what might be termed a retracted relationship—that is, a relationship such that the roller means 38 as shown in FIG. 8 is normally biased in a counterclockwise direction which corresponds to full retraction of the folded protective sheet 26 in a manner such as is clearly shown in FIGS. 1, 7, and 8.

The biasing spring means is indicated at 40 and comprises a helically wound spring mounted on a central rod 42 and having one end of the spring 40 fastened to the rod 42 and having the other end of the spring 40 fastened to the outer sleeve 44 of the roller means 38. Thus, when the rod 42 has the flat, spatulate end 46 thereof non-rotatively mounted in a slotted mounting member 48 carried by one end wall 50 of the inner housing 32, this effectively biases the outer sleeve 44 of the complete roller means 38 in a counterclockwise direction as viewed in FIG. 8 and, thus, will normally function to retract the folded protective sheet 26 if it has previously been in extended form, or will function to maintain it in fully retracted form until the action of the spring 40 is effectively manually overridden by grasping the outer free end 52 of the folded protective sheet 26 and forcibly manually pulling same downwardly and forwardly with respect to the exit slot 24. This will, of course, forcibly rotate the roller means 38 in clockwise direction as viewed in FIG. 8 against the action of the biasing spring means 40.

The above-mentioned type of extension operation is for the purpose of placing the normally multi-layer, folded, fastened, and spirally wound, thin protective sheet 26 in an extended position for unfastening lateral unfolding and positioning thereof over a motorcycle seat in a retained protective relationship such as is clearly shown in the sequence of steps illustrated in FIGS. 2 and 3. This will be described in greater detail hereinafter.

6

The thin protective sheet 26 may be made of flexible, waterproof material such as waterproofed "Nylon" or the like, although it may be made of any other suitable thin, flexible, waterproof material, and normally has a lateral dimension when fully opened much greater than the lateral dimension of the complete housing means 20. This is accomplished through the provision of a longitudinal central portion 26C of the sheet 26 and two integrally connected side portions 26S thereof. The central portion 26C terminates in the previously mentioned outer free end 52 and, at the opposite extremity thereof, in a rear inner end 54 which is effectively attached as indicated at 56 to the exterior of the outer sleeve 44 of the complete roller means 38. The attachment at 56 may be by means of tacks, adhesive fastening means, or any other functional equivalent.

In the exemplary first form of the invention illustrated, the free outer end 52 is effectively provided with what might be termed a combination actuating and stop means, indicated generally at 58, and which takes the form of a laterally directed rod 60 attached to said free outer end 52 of the central portion 26C of the protective sheet 26, and is of a size such as to be incapable of passing inwardly through the previously mentioned exit slot 24 and thus functions to at all times maintain the free outer end 52 of the central portion 26C of the protective sheet 26 exterior of the housing means 20 so that it can be manually grasped for extension of the protective sheet 26 when it is desired to protect a motorcycle seat, such as is generally indicated at 62.

Each of the two side portions 26S of the protective sheet 26 terminates laterally in a similar longitudinal side edge 64 which is provided with resilient or elastic retaining means portions, indicated generally at 66, similar in many respects to corresponding resilient or elastic retaining means portions, indicated at 68, carried by the previously mentioned combination actuating and stop means 58. All of said elastic retaining means portions 66 and 68 are adapted for use in temporarily engaging adjacent parts of a motorcycle, such as is generally designated by the reference numeral 70, when the extended, unfastened, and laterally opened-up protective sheet 26 is placed over the motorcycle seat 62 for the purpose of protecting same from moisture, dust, or the like, in a manner such as is most clearly shown in FIG. 3. Said retaining means 66 and 68 will be described in greater detail hereinafter.

Normally speaking, when the protective sheet 26 is either extended or retracted or is stored within the housing means 20, it is in the form of a multi-layer folded, overlapped sheet wherein the two side portions 26S are successively folded over the center portion 26C of the complete protective sheet 26 so as to lie in a multiple-layer, superimposed relationship with respect to each other and with respect to the central sheet portion 26C. In the exemplary first form of the invention illustrated, since there are two such side portions 26S and one central sheet portion 26C, the folded arrangement of the sheet will comprise a three-layer, folded configuration, as is perhaps most clearly shown in FIGS. 2 and 6, wherein one of the side portions 26S overlies both the other side portion 26S and the central sheet portion 26C, and is fastened in said relationship by fastening means, indicated generally at 72, which, in the example illustrated, comprises a plurality of snap fasteners 74. This three-layer, folded configuration of the complete protective sheet 26 wherein the side portions 26S and the central portion 26C are superimposed upon each other and held in such relationship by the fastening means 72, makes it possible to store the entire protective sheet 26 in the relatively laterally short housing means 20.

It will be understood that, normally, the folded, stored sheet 26 can be extended from the stored relationship shown in FIGS. 1, 7, and 8, by merely grasping the actuating and stop means 58, comprising the laterally directed enlarged rod 60 and pulling same forwardly to

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7

thereto so as to pull the free end 52 of the folded protective sheet 26 downwardly and forwardly with respect to the exit slot 24 of the housing means 20 until it has been extended forwardly to a sufficient degree to provide adequate coverage of the motorcycle seat 62, at which time fastening means 72 is unfastened and the side portions 26S of the sheet 26 are folded outwardly from the folded, fastened shown in FIG. 2 and then downwardly into the laterally adjacent and laterally encompassing relationship shown in FIG. 3 wherein the central portion 26C of the sheet overlies the motorcycle seat 62 while the two side portions 26S of the protective sheet extend downwardly on each side of the motorcycle seat 62 and protect the sides thereof and also corresponding upper portions of the motorcycle 70. This is clearly shown in FIG. 3, where in the protective sheet 26 is shown as being retained in such protective relationship by the previously mentioned resilient or elastic retaining means indicated at 66 and 68, which effectively comprise, respectively, a forwardly directed elastic loop 66 which can be looped over the motorcycle handlebars or any forward portion of the motorcycle in a retaining manner which will prevent rearward movement of the protective sheet 26 as a result of the biasing force exerted by the biasing spring means 40. The side retaining means portions 68 comprise similar elastic members 76 carried along the longitudinal side edges 64 of the side portions 26S of the protective sheet by means of fastening aperture-defining eyelet means 77 in a manner such as to be available to be manually grasped and pulled downwardly for looping over any adjacent projecting portion of the motorcycle 70 so as to hold said side portions 26S in the downwardly directed protective relationship best shown in FIG. 3.

It will readily be understood that both of the elastic retaining means 66 and 68 can be manually engaged very simply and easily with respect to adjacent parts of the motorcycle 70 and can be just as easily manually disengaged therefrom when the protective sheet 26 is to be again stored within the housing means 20. When this is done, the next succeeding step after disengaging the side retaining means 68 from the previously engaged portions of the motorcycle 70 will be to first fold one of the side portions 26S into a centrally located position directly overlying the central portion 26C of the protective sheet, followed by the folding thereover of the other side portion 26S and the fastening of the snap fasteners 74 so as to provide the three-layer narrow sheet configuration best shown in FIGS. 2 and 6. Immediately thereafter, the entire folded sheet will then be released by disengaging the previously engaged front retaining means 66 and allowing the roller biasing spring means 40 to rotate the roller in a counterclockwise retraction direction as viewed in FIG. 8, which will return the folded, fastened protective sheet 26 to the spirally wound, fully stored, retracted relationship best shown in FIGS. 1, 7, and 8.

The extension operation is the reverse from the retraction operation just described.

In the exemplary first form of the invention illustrated, the housing means indicated generally at 20 is shown as being provided with downwardly directed fastening arm means 78 and attachment means 80 at the bottom thereof adapted for rigid structural attachment with respect to a corresponding rigid structural portion of the motorcycle 70. In said exemplary first form of the invention illustrated, the attachment means 80 is fastened by threaded fastener means 82 with respect to a rear-positioned motorcycle rack 84 which comprises the previously mentioned rigid structural portion of the motorcycle 70 in this exemplary form of the invention. However, it should be clearly understood that the invention is not specifically limited to this particular location of attachment or to attachment to such a rack. This will be clarified in greater detail hereinafter with respect to the modified form of the invention illustrated in FIG. 10.

8

In the exemplary first form of the invention illustrated, the housing means, indicated generally at 20, is provided with compressible, exterior, elastomeric padding, indicated generally at 86, which may comprise foam or sponge rubber or cellular plastic material, in either case of either the interconnected cellular type or the isolated cellular type and which preferably may be of a high hysteretic loss characteristic type which provides very effective damping of oscillatory movement, although the invention is not specifically so limited.

In the example illustrated, the padding means 86 is fastened to the top and front of the outer housing member 28 by a suitable flexible cover 88 positioned exterior thereof and extending upwardly a short distance into the large bottom opening 30 of the outer housing 28 and then being fastened therein by suitable fastening strips such as indicated at 90, or by any other suitable fastening means. However, it should be clearly understood that the invention is not limited to this specific type of construction.

The padding means 86 and the positioning of the housing means 20 rearwardly of the motorcycle seat 70 causes it to effectively comprise a backrest for a motorcycle rider, which may be intended as a backrest for a second or auxiliary motorcycle rider sitting behind a primary motorcycle rider, or which may be suitably positioned to function as a backrest for a primary motorcycle rider. Such a backrest is useful in that it firmly positions a motorcycle rider at a proper location and provides firm and auxiliary support for the lower back region of the motorcycle rider, which is a highly desirable feature, particularly when a motorcycle may be ridden over relatively rough roads or terrain, which might otherwise tend to dislodge a rider and possibly cause serious injury to such a rider.

FIG. 9 illustrates a slight modification of the invention and because it is a modification, parts which are similar structurally or functionally are designated by similar reference numerals, followed by the letter "a," however.

In the FIG. 9 modification, the housing means indicated generally at 20a is positioned much lower than the housing means 20 of the first form of the invention, and is intended to function primarily merely as a housing means rather than as a backrest, particularly for an auxiliary or second rider sitting behind a primary or main rider of a motorcycle such as that shown at 70a. Otherwise, the housing means 20a of this modification, and all other portions of the device are generally similar to those of the first form of the invention, and it is believed that no additional detailed description thereof is necessary or desirable and, indeed, would be redundant. The only real difference of this modification is the fact that no auxiliary padding means is provided and the mounting of the housing means 20a is provided by a modified structure wherein the fastening arm means 78a and attachment means 80a are somewhat differently shaped and provide very much less elevation than in the first form of the invention and need not be attached to a rack but may be attached at any appropriate location behind the motorcycle seat 62a or may be positioned substantially forwardly thereof as will be described hereinafter in connection with the FIG. 10 modification of the invention.

FIG. 10 illustrates a further slight modification of the invention wherein all parts which are structurally or functionally similar to either the first form of the invention illustrated in FIGS. 1-8 or the first modification of the invention illustrated in FIG. 9, are indicated by similar reference numerals, followed by the letter "b," however.

In the FIG. 10 modification, it will be noted that the structure is substantially the same as the FIG. 9 modification, with the major difference being the front mounting of the housing means 20b spaced forwardly of the motorcycle seat 62b rather than rearwardly thereof as in the case of the FIG. 9 modification. Thus, the protective



US006012770A

United States Patent [19]

Rubin

[11] **Patent Number:** 6,012,770[45] **Date of Patent:** Jan. 11, 2000[54] **SEAT COVER IN STRAP OF A
MOTORCYCLE SEAT**[76] Inventor: **Robert Rubin**, 39-24 213 St., Bayside,
N.Y. 11361

[21] Appl. No.: 09/053,671

[22] Filed: Apr. 1, 1998

Related U.S. Application Data

[60] Provisional application No. 60/072,613, Jan. 26, 1998.

[51] Int. Cl.⁷ A47C 7/66[52] U.S. Cl. 297/184.11; 297/184.1;
297/195.1; 297/219.11[58] Field of Search 297/184.11, 184.1,
297/219.11, 195.1[56] **References Cited****U.S. PATENT DOCUMENTS**

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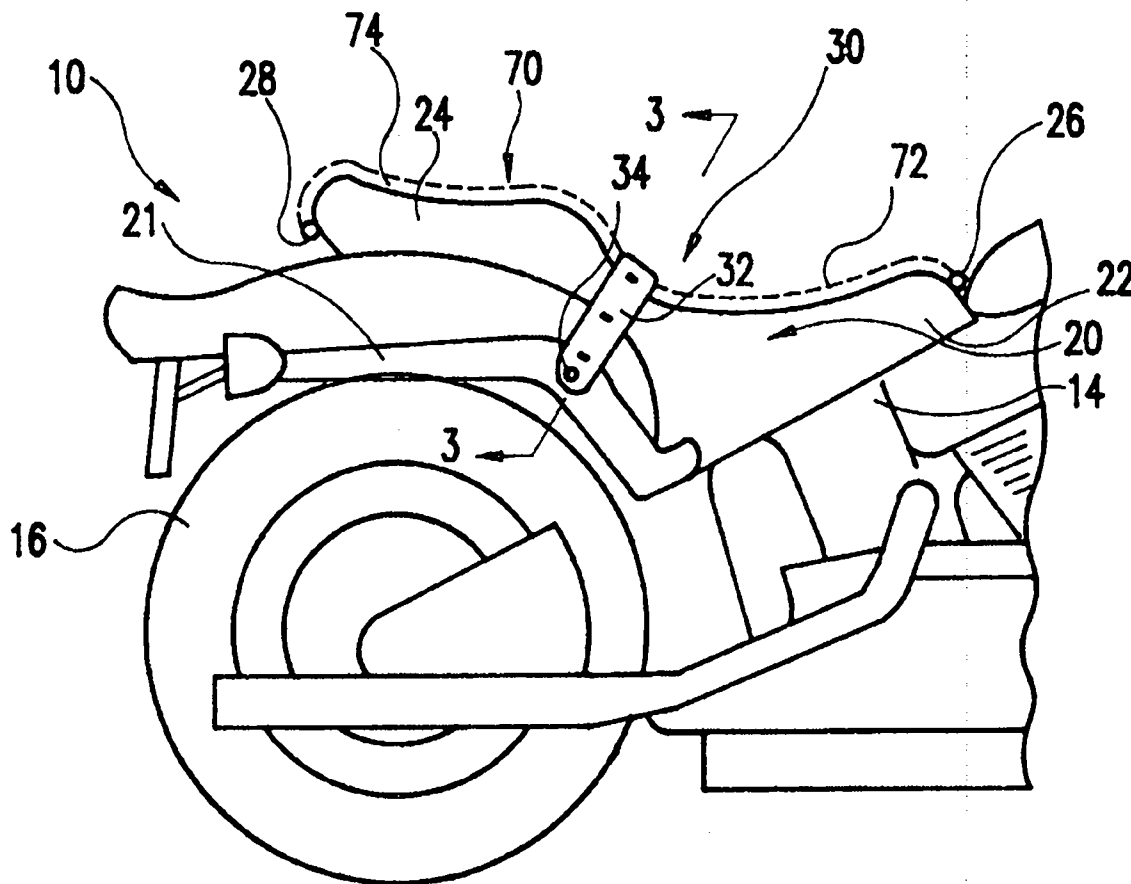
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Primary Examiner—Peter M. Cuomo*Assistant Examiner*—Rodney B. White*Attorney, Agent, or Firm*—Ostrolenk, Faber, Gerb & Soffen,
LLP[57] **ABSTRACT**

On the seat of a motorcycle, a strap, typically located between the front and rear seats of the motorcycle seat, may be grasped by the rear seat passenger. A cover for the entire seat is stowed in a pocket in the strap. The pocket is openable to permit deployment of the cover over the seat and the cover may be re-stowed within the pocket in the strap. Closure elements close the pocket of the strap.

20 Claims, 3 Drawing Sheets

6,012,770

3

of the motorcycle, a rear wheel 16, a rear wheel fender 18 and a motorcycle seat 20 supported above the frame and the fender 18.

The frame includes a rigid front to back beam portion 21 below the seat 20 to which the below described strap 30 is secured. Alternatively, there are bolts (not shown) projecting laterally outward of the frame and beneath the seat to which the strap may be secured.

The motorcycle seat 20 includes a front seat 22 for the driver and a rear seat 24 for the passenger. Although the passenger's seat 24 is integrated as one seat with and also higher than the driver's seat 22, the seat design is not the subject of this invention. The front seat 22 has a front end 26 and the rear seat 24 has a rear end 28. As is conventional in numerous motorcycles having front and rear seats, there is a strap 30, here a strap according to the invention, located just forward of the rear seat.

As seen in FIG. 3, the strap extends across the width of the seat 20. As seen in FIG. 2, the strap 30 includes the end flaps 32, 33 with respective holes 35 therein for receiving fastening elements 34, 36. The strap is fastened to the frame elements 21 below the seat 20 by fastening element 34 below one side 23 of the seat and by fastening element 36 below the opposite side 25 of the seat as the fastening elements extend into openings in the frame elements. The strap is fastened securely by the fastening elements 34 and 36 and is thereby held tightly against the surface of the seat, but with enough play to enable the passenger's hands to wrap around the strap. The frame includes bolts that face outwardly beneath the seat at both sides and the strap may be attached to the frame at those bolts.

The strap embodiment 30 illustrated in FIG. 2 as viewed from below and in FIG. 4 includes the main panel 48 which becomes the top side when the strap is closed and includes two side panels 52, 54 joined to sides of the main panel 48. As seen in FIG. 4, the two side panels are each shorter than the main panel 48. The bottom edge region 56 of the panel 52 and the bottom edge region 58 of the panel 54 are respectively provided with cover closure elements shown as hook and loop fasteners, which are known under the trademark VELCRO. When those panels 52 and 54 are overlaid with their edge regions 56 and 58 atop one another, the strap is enclosed to define an internal pocket 60 for the below described cover. As seen in FIGS. 2 and 5, the strap can be opened, which permits deployment or reinsertion for storage of the cover. While the hook and loop fastener is illustrated, any other known fastener may be substituted, such as a zipper, snaps, ties, etc. Also, although the closing panels are illustrated at the bottom side of the strap 30 in FIGS. 2 and 4, the strap may be inverted so that the opening for access to the cover may be on the top side, as shown in FIG. 5. What is significant here is that the cover is held on or in the strap that extends across the seat. The strap is typically made of leather but may be made of any other sufficiently strong material and which is able to retain the cover for deployment.

The cover 70 is of a flexible fabric selected from any appropriate fabric able to protect the seat against environmental elements, against wear, etc. including textile, woven or unwoven, a resinous fabric, like vinyl, a plastic, metal foil, etc., so long as the cover is flexible for enabling its storage in the strap and its deployment over the seat and it provides the desired extent of protection. The strap and cover have an additional benefit that it will enable almost any color or pattern or logo type or a decoration to be provided on the cover. The cover stored within the strap is

4

folded or crumpled to fit the pocket 60 of the strap, as illustrated in FIG. 4. When the flaps 52 and 54 of the strap are opened apart, as in FIG. 6, the cover 70 is deployed out of the strap and over the seat, with the front part 72 of the cover extending over the front seat 22 and the rear part 74 of the cover extending over the rear seat 24. The width of the cover is sufficient to extend beyond the width of the seat and cover over the sides 23 and 25 of the seat 20, 22, 24. The length of the cover is sufficient to extend over the length of the seat from the front end 26 to the rear end 28. To hold the cover end 22 securely on the seat, it may have a peripheral elastic strip 76, a draw string, a tie, or the like to hold the periphery of the cover securely on the seat, yet enable removal of the cover for re-stowage within the strap. As an alternative, an appropriate hook or hooks may be attached to the front and rear of the cover to secure it to the front and rear seats. Other arrangements for securing the cover on the seat should be apparent. To properly place the cover, the cover is secured, e.g. by one row of stitching at 78 or two rows of stitching to the panel 48 of the strap so that the front part 72 and the rear part 74 will extend the correct distance over their respective seats.

For deploying the cover, the strap pocket is opened and the front and rear parts of the cover 72 and 74 are removed from the strap and installed over their seats. To re-stow the cover within the strap, its front and rear parts are removed from the seat and are folded or crumpled to fit within the strap, which is then reclosed. The strap need not be released from or removed from the seat in order to deploy or re-stow the cover. No additional devices or apparatus need be provided on the seat or the motorcycle for holding or deploying the cover.

A typical leather strap is approximately 28 inches long and about 1½ inches wide. The cover stowed in the strap is stretchable to the front and the rear of the seat 20 to be approximately 33 inches in length to cover the entire seat and will be as wide as the seat and the strap.

Although the strap is described herein as attached to the motorcycle frame below the seat, the strap may be attached anywhere on the motorcycle so long as it is stretched across the seat to be grasped by the passenger. In one example, the ends of the strap are attached to the lateral sides of the seat shortly below the seat surface, whereby the strap is supported on the seat and is thereby indirectly attached to the frame via the seat. FIG. 7 illustrates that design using the same reference numbers and elements as in FIG. 1, except that the strap is at the seat.

Although the present invention has been described in relation to particular embodiments thereof, many other variations and modifications and other uses will become apparent to those skilled in the art. It is preferred, therefore, that the present invention be limited not by the specific disclosure herein, but only by the appended claims.

What is claimed is:

1. A cover and strap combination for a coverable seat for a vehicle, the combination comprising:

a strap for extending across an upper surface of the seat in a lateral direction from one lateral side of the seat to an opposing lateral side of the seat, and the strap is for being secured to the vehicle and across the seat, the strap being so shaped and of such strength and so secured as to be graspable by a rider on the seat, whose hand may wrap the strap;

a cover for the seat; and

means for receiving and storing the cover at the strap and including means for enabling the cover to be drawn

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISI3N DE NUEVAS CREACIONES

202084
Bogot3, D.C.

Abogado (a)
GUSTAVO ADOLFO ORTEGA HERN3NDEZ
Apoderado (a)

ASUNTO	Radicaci3n	04 - 52669
	Tr3mite	002
	Evento	001
	Actuaci3n	430
	Oficio	10853
	Folios	011

Patente de Invenci3n	☒	Patente de Modelo de Utilidad	☐
V3a Nacional	☒		
V3a PCT (fase nacional)	☐	Cap. I	☐
		Cap. II	☐

Como resultado del examen de fondo, realizado con fundamento en el art3culo 45 de la Decisi3n 486 de la Comisi3n de la Comunidad Andina, se le comunica:

1. Documentos estudiados

- 1.1. Descripci3n: Folio 9
- 1.2. Reivindicaciones: Folios 9 y 10
- 1.3. Dibujos: Folios 11 a 24

2. Objeto de la invenci3n

T3tulo de la solicitud: "ASIENTO PARA MOTOCICLETA CON CUBIERTA PROTECTORA INTEGRADA."

El problema planteado en esta solicitud se refiere a la falta de protecci3n de los asientos de las motocicletas, contra los efectos producidos por los rayos solares (calentamiento, tostadura, decoloraci3n), por la lluvia, la humedad, las inclemencias del clima y por la contaminaci3n ambiental.

Para solucionar este problema t3cnico la solicitud en estudio proporciona un asiento que tenga un compartimiento en su interior para contener una cubierta protectora integrada, de manera tal que pueda ser extra3da y desplegada para cubrir el asiento y protegerlo; que quede fijada y asegurada al mismo cuando lo este cubriendo para evitar que sea robada.

El objeto de la presente invenci3n se lleva acabo de acuerdo con las caracter3sticas

reivindicadas, donde la reivindicación 1 dice: "Asiento para motocicleta, caracterizado porque en su interior existe un espacio o compartimento destinado exclusivamente para guardar una cubierta protectora integrada y adherida al asiento, provisto de los medios necesarios para que la cubierta pueda ser extraída y desplegada y cubrir con ella el asiento y así reducir el calentamiento que sobre él producen los rayos solares, y protegerlo además contra los efectos producidos por factores climáticos, atmosféricos y ambientales. La cubierta además está provista de los medios que hacen posible su fijación y aseguramiento al asiento."

El objeto de la solicitud definida anteriormente se encuentra en la Clasificación Internacional de Patentes (IPC), B60N 2/60, B62J 1/00.

3. De la solicitud de Patente

3.1. Descripción (artículo 28 D. 486)

Se observa que el título debe enfocarse más al objetivo de la solicitud, que radica en la cubierta para el asiento, no en el asiento que es como se entendería; por tal razón se sugiere: "CUBIERTA PROTECTORA INTEGRADA AL ASIENTO DE UNA MOTOCICLETA".

3.2. Reivindicaciones (artículo 30 D 486)

De acuerdo a la observación hecha anteriormente al título, se sugiere también que los preámbulos de todas las reivindicaciones acojan también esta sugerencia, para dar mayor claridad al capítulo reivindicatorio. Y también se sugiere que el capítulo reivindicatorio inicie en una hoja aparte.

Las reivindicaciones no deben definir (caracterizar) a "*La cubierta protectora integrada al asiento de una motocicleta*" por la protección que brinda a dicho asiento; como se observa en la reivindicación No. 1 cuando menciona: "*reducir el calentamiento que sobre él producen los rayos solares, y protegerlo además contra los efectos producidos por factores climáticos, atmosféricos y ambientales*"; dentro del capítulo reivindicatorio no se aceptan ventajas, funcionamiento o uso, dentro de él solo se debe establecer las características propias de constitución de la "*La cubierta protectora integrada al asiento de una motocicleta*".

Siempre que se hable de características técnicas se deben definir de manera precisa (cuantificarlas, definir la forma, la disposición, ubicación, constitución de cada una de las partes de la "*La cubierta protectora integrada al asiento de una motocicleta*" y como se acoplan entre sí).

En las reivindicaciones 2 y 3 se observa una iteración, ya que comparten las mismas características técnicas.

Se aconseja en todo el capítulo reivindicatorio hacer una referencia por medio de paréntesis "()" inmediatamente después de hablar del elemento, sin hacer ningún otro tipo de alusión o mencionar la figura directamente, para facilitar su comprensión.

4. Determinación del Estado de la Técnica

Considerando que la fecha de presentación de la primera solicitud de patente es: 04/06/2004, se buscaron documentos del estado de la técnica relacionados, con fecha de publicación anterior a esta, que pueden afectar la patentabilidad del objeto de la presente solicitud, encontrándose:

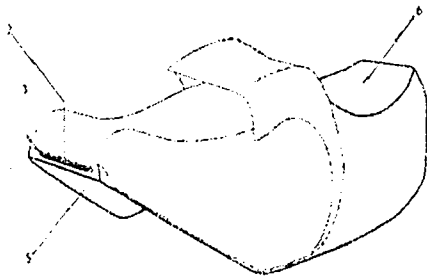
Nº	Documento	Título	Fecha de Publicación
D1	US3537746	Protective cover for a motorcycle seat	Nov 1970
D2	US6012770	Seat cover in strap of a motorcycle seat	Jan 11, 2000

5. Análisis de patentabilidad (artículo 14 D 486)

5.1. Novedad (artículo 16 D 486)

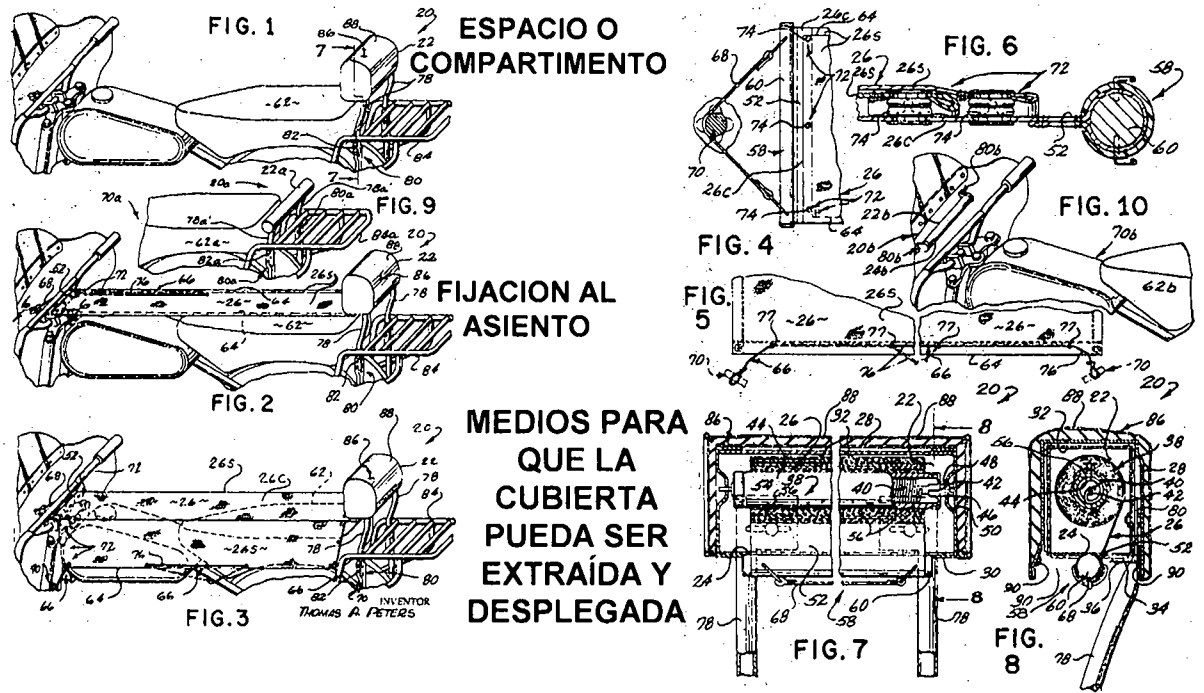
De acuerdo a la reivindicación 1 que dice: "Asiento para motocicleta...etc." (Ver folios 9 y 10).

FIGURAS DE LA SOLICITUD EN ESTUDIO



Y teniendo en cuenta que el documento **US3537746** (mencionado de ahora en adelante como **D1**), que se refiere a: un "Protective cover for a motorcycle seat" como lo muestra la figura a continuación:

FIGURAS DEL DOCUMENTO 1



Al comparar elemento por elemento de la invención tal como esta definido en la reivindicación 1 con el documento **D1**: vemos que el dicho documento contiene las siguientes características de la reivindicación 1. Donde el documento **D1** comprende:

- Un espacio o compartimento destinado exclusivamente para guardar una cubierta protectora (20-22). Ver **D1** columna 5 líneas 1 a 20. Figuras 1-8.

- Provisto de los medios necesarios para que la cubierta pueda ser extraída y desplegada y cubrir con ella el asiento y así reducir el calentamiento que sobre él producen los rayos solares, y protegerlo además contra los efectos producidos por factores climáticos, atmosféricos y ambientales (22-26) Ver **D1** columna 5 línea 1 a la columna 7 línea 54. Figuras 1-8.
- La cubierta además está provista de los medios que hacen posible su fijación y aseguramiento al asiento (78). Ver **D1** columna 7 línea 62. Figuras 1-3.

Se puede concluir de la anterioridad que en la solicitud la característica de: "Una cubierta protectora integrada y adherida al asiento." no se encuentran contenidas en el **D1** de manera idéntica, por lo que permitirá afirmar que la solicitud cumpliría con lo estipulado en el artículo 16 de la Decisión 486 de la Comunidad Andina de Naciones.

5.2. Nivel inventivo (artículo 18 D486)

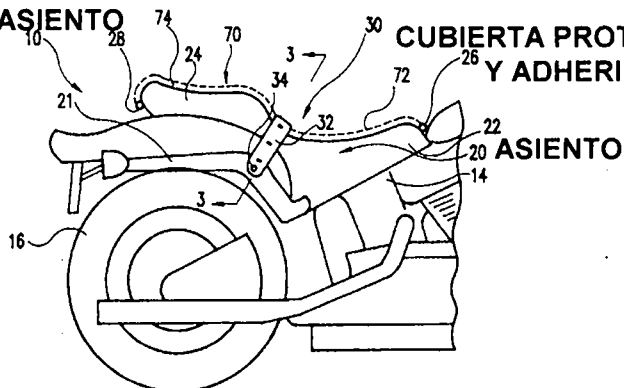
Basándonos en el estudio de la invención y del estado de la técnica, se realizó el siguiente análisis:

El documento más cercano en el estado de la técnica es **D1**; la única diferencia existente con la solicitud en estudio es que no contiene "Una cubierta protectora integrada y adherida al asiento" Por tal razón el documento **US6012770** (mencionado de ahora en adelante como **D2**), que se refiere a: un "**Seat cover in strap of a motorcycle seat**", comprende:

- Una cubierta protectora integrada y adherida al asiento (20-72-74). Ver **D2** columna 4 Líneas 4 a 36. Figura 1 a 7.

FIGURA(S) DEL DOCUMENTO 2

CUBIERTA PROTECTORA INTEGRADA Y ADHERIDA AL ASIENTO



Con el empleo de los dos documentos: **D1 y D2**, que hacen parte del estado de la técnica, y los conocimientos de una persona versada en la materia se podría llegar a obtener tubo textil con característica de puesta en marcha con todas las características de la solicitud en estudio y lograr el objetivo de la invención.

En consecuencia se afirma, que los documentos **D1 y D2** presentados como anterioridades afectan el requisito de nivel inventivo de la presente solicitud, definido en el artículo 18 de la Decisión 486 de la Comisión de la Comunidad Andina.

Por tal razón se sugiere cambiar la solicitud de Patente de Invención a Modelo de Utilidad.

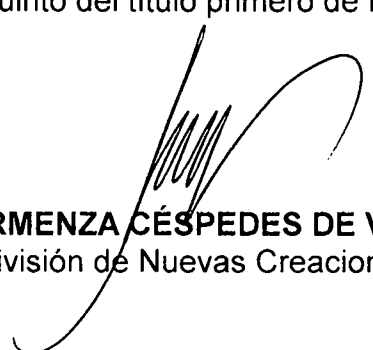
6. Conclusión:

Los requisitos de patentabilidad de la presente solicitud se encuentran afectados así:

Nº	Documento Nº	Reivindicaciones Afectadas	Requisito que Afecta
D1	US3537746	1 a la 7	Nivel inventivo
D2	US6012770	1 a la 7	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 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 Única Nº 10 de 2001.



ALIX CARMENZA CÉSPEDES DE VERGEL
Jefe de División de Nuevas Creaciones

El anterior requerimiento fue notificado por fijación en lista, de fecha 28 AGO. 2008

CONCEPTO TÉCNICO No. 2068	EXAMINADOR TÉCNICO Código No. 84
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