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Señor

SUPERINTENDENTE DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES

E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 04-051594- -00005-0000

Fecha: 2007-11-27 17:02:55 Dep. 2020 NUECREACION
Tra. 11 PATENTEIYII Eve: 379 FASENACIONALII
Act. 593 IMPULSOPROCESAL Folios: 1

Re: P1.-UNILEVER N.V.-Solicitud de Patente de Invención en Fase Nacional
PCT para "COMPOSICIÓN PARA EL TRATAMIENTO DEL CABELLO
QUE COMPRENDE PARTICULAS COMPUESTAS DE ARCILLA Y UNA
MOLÉCULA ORGÁNICA CARGADA".-Clase A.61K 7/13.-Expediente
Número 04-051.594.-

1. Me refiero a mi memorial de 7 de Abril de 2006.
2. Por medio del presente atentamente ruego a usted, se sirva pronunciarse en relación con la solicitud arriba nombrada, ya que desde el **30 de Noviembre de 2005**, esto hace dos (2) años, que fue publicado el extracto de la presente solicitud en la Gaceta de la Propiedad Industrial No. 558 y el examen de patentabilidad correspondiente fue solicitado en su debido momento mediante memorial de 7 de Abril de 2006, sin que haya sido adelantado ningún otro trámite.
3. Cabe anotar que esta demora en el trámite acarrea un grave perjuicio para mí representado.

Señor Superintendente,

ALICIA LLOREDA RICAURTE
T.P. 53.215

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No 04-51594

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

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **558** DE

FECHA **30 DE NOVIEMBRE DE 2005** EL TERMINO HABIL EÑALADO POR LA

LEY EXPIRA EL **24 DE FEBRERO 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__ _X_ _____



US005968491A

165
165**United States Patent** [19]**Richardson**[11] **Patent Number:** **5,968,491**[45] **Date of Patent:** ***Oct. 19, 1999**[54] **DETERGENT COMPOSITION COMPRISING
CLAY AND POLYSACCHARIDE GUM
STABILIZING AGENTS**[75] **Inventor:** **Wendy Victoria Jane Richardson,**
Middlesex, United Kingdom[73] **Assignee:** **The Procter & Gamble Company,**
Cincinnati, Ohio[*] **Notice:** This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).[21] **Appl. No.:** **08/849,575**[22] **PCT Filed:** **Oct. 30, 1995**[86] **PCT No.:** **PCT/US95/14047**§ 371 Date: **May 29, 1997**§ 102(c) Date: **May 29, 1997**[87] **PCT Pub. No.:** **WO96/17050****PCT Pub. Date:** **Jun. 6, 1996**[30] **Foreign Application Priority Data**

Nov. 29, 1994 [GB] United Kingdom 9424008

[51] **Int. Cl.^o** **A61K 7/06; C11D 3/50**[52] **U.S. Cl.** **424/70.1; 424/70.21; 424/70.22;
424/401; 510/101; 510/121; 510/159; 510/507**[58] **Field of Search** 424/70.1, 70.21,
424/70.22, 401; 510/101.121, 159, 507[56] **References Cited****U.S. PATENT DOCUMENTS**

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Primary Examiner—Thurman K. Page**Assistant Examiner**—Brian K. Seidlech**Attorney, Agent, or Firm**—Darryl C. Little

[57]

ABSTRACT

The present invention relates to personal cleansing compositions comprising: (a) from about 1.5% to about 10% by weight of an oil dispersing nonionic surfactant; (b) from about 0.1% to about 10% by weight of auxiliary surfactant selected from other nonionic, anionic, zwitterionic and/or amphoteric surfactants and mixtures thereof, (c) from about 3% to about 30% by weight of a perfume or cosmetic oil; (d) from about 0.01% to about 15% by weight of a stabilizing agent; and (e) water, wherein the ratio of primary to secondary stabilizing agent is in the range of from about 32:1 to about 1:1. The cleansing products demonstrate excellent in-use efficacy benefits including excellent lather volume, stability and appearance characteristics, good skin feel during and after use, skin conditioning, mildness, stability, cleansing, good water feel and appearance and rinsability.

24 Claims, No Drawings

DETERGENT COMPOSITION COMPRISING CLAY AND POLYSACCHARIDE GUM STABILIZING AGENTS

This application is a 371 of PCT/US95/14047, filed Oct. 30, 1995.

TECHNICAL FIELD

The present invention relates to cleansing compositions. In particular it relates to mild personal cleansing compositions with good skin feel attributes and foaming properties suitable for simultaneously cleansing and conditioning the skin and/or the hair and which may be used, for example, in the form of foam bath preparations, shower products, skin cleansers, hand, face and body cleansers, shampoos, etc.

BACKGROUND OF THE INVENTION

Mild cosmetic compositions must satisfy a number of criteria including cleansing power, foaming properties and mildness/low irritancy/good feel with respect to the skin, hair and the ocular mucosae. Skin is made up of several layers of cells which coat and protect the keratin and collagen fibrous proteins that form the skeleton of its structure. The outermost of these layers, referred to as the stratum corneum, is known to be composed of 250 Å protein bundles surrounded by 80 Å thick layers. Hair similarly has a protective outer coating enclosing the hair fibre which is called the cuticle. Anionic surfactants can penetrate the stratum corneum membrane and the cuticle and, by delipidization destroy membrane integrity. This interference with skin and hair protective membranes can lead to a rough skin feel and eye irritation and may eventually permit the surfactant to interact with the keratin and hair proteins creating irritation and loss of barrier and water retention functions.

Ideal cosmetic cleansers should cleanse the skin or hair gently, without defatting and/or drying the hair and skin and without irritating the ocular mucosae or leaving skin taut after frequent use. Most lathering soaps, shower and bath products, shampoos and bars fail in this respect.

Certain synthetic surfactants are known to be mild. However, a major drawback of most mild synthetic surfactant systems when formulated for shampooing or personal cleansing is poor lather performance compared to the highest shampoo and bar soap standards. Thus, surfactants that are among the mildest, such as sodium lauryl glyceryl ether sulfonate, (AGS), are marginal in lather. The use of known high sudsing anionic surfactants with lather boosters, on the other hand, can yield acceptable lather volume and quality but at the expense of clinical skin mildness. These two facts make the surfactant selection, the lather and mildness benefit formulation process a delicate balancing act.

Despite the many years of research that have been expended by the toiletries industry on personal cleansing, the broad mass of consumers remain dissatisfied by the mildness of present day cleansing compositions, finding, for example, that they have to apply a separate cosmetic lotion or cream moisturizer to the skin after using a shower or bath preparation in order to maintain skin suppleness and hydration and to counteract the delipidizing effect of the cleanser.

It is known from the art that inclusion of oils in bathing compositions can provide post-use skin feel benefits. However incorporation of oils at levels sufficient to deliver consumer noticeable benefits has until now proved to be a challenge, particularly with respect to the delivery of creamy, stable good lather characteristics in the presence of oil and avoiding unpleasant 'slimey'/'greasy' water feel or

oily appearance during use while still delivering a desirable after-use soft skin feel. A further difficulty associated with combining high levels of oil with conventional detergent systems has been the achievement of a stable system in which the oil can be released into the water during use. It has now been found that personal cleansing compositions having excellent lather volume, stability and feel characteristics in combination with good skin feel attributes both for in use feel and after use feel as well as improved product stability can be formed by the use of a mixed stabilising system in combination with certain nonionic surfactants with auxiliary surfactants and dispersible oils in particular levels and ratios.

Thus a need exists for personal cleansing products which will not dehydrate the skin or result in loss of skin suppleness, which will provide a level of skin conditioning performance which previously has only been provided by a separate post-cleansing cosmetic moisturizer and which will produce a foam which is stable and of high quality both in lather volume and appearance, which are effective hair and skin cleansers, which have good in-use aesthetics, rinsability characteristics, and which at the same time have stable product and viscosity characteristics and remain fully stable under long term and stressed temperature storage conditions.

SUMMARY OF THE INVENTION

The subject of the present invention is a mild, foam-producing cleansing product suitable for personal cleansing of the skin or hair and which may be used as foam bath and shower products, skin cleansers and shampoos etc. According to one aspect of the invention, there is provided a detergent, personal cleansing or cosmetic composition comprising:

- (a) from about 1.5% to about 10% by weight of an oil dispersing nonionic surfactant;
- (b) from about 0.1% to about 10% by weight of auxiliary surfactant selected from other nonionic, anionic, zwitterionic and/or amphoteric surfactants and mixtures thereof;
- (c) from about 3% to about 30% by weight of a perfume or cosmetic oil;
- (d) from about 0.01% to about 15% by weight of a stabilising system comprising a clay primary stabilising agent and a hetero polysaccharide gum secondary stabilising agent; and,
- (e) water,

and wherein the ratio of primary to secondary stabilising agent is in the range of from about 32:1 to about 2:1.

In a highly preferred embodiment, the invention takes the form of a foam producing cleansing composition with excellent lather and stability characteristics, superior skin feel characteristics, improved perceived dryness and assessed tightness and expertly graded dryness, combined with good cleansing ability and conditioning performance.

All concentrations and ratios herein are by weight of the cleansing composition, unless otherwise specified. Surfactant chain lengths are also on a weight average chain length basis, unless otherwise specified.

The cleansing compositions herein are based on a combination of a mixed stabilising system with particular oil dispersing nonionic surfactant, perfume or cosmetic oil and mild auxiliary surfactants, which in general terms can be selected from other nonionic, anionic, amphoteric and zwitterionic surfactants and mixtures thereof. The total level of surfactant, inclusive of anionic, nonionic, zwitterionic, amphoteric and other surfactant components is preferably

from about 1.6% to about 15%, more preferably from about 2% to about 12%, and especially from about 5% to about 10% by weight. The compositions preferably comprise a mixture of oil dispersing nonionic and anionic optionally with auxiliary nonionic, zwitterionic and/or amphoteric surfactants. The total level of auxiliary surfactant is in the range from about 0.1% to about 10%, and especially from about 0.5% to about 5%, more preferably from about 1% to about 3.5%, most preferably from about 2% to about 3% by weight of the composition, while the level of oil dispersing nonionic surfactant is preferably from about 2% to about 9%, more preferably from about 4.5% to about 7% by weight. The weight ratio of anionic surfactant : auxiliary nonionic, zwitterionic and/or amphoteric surfactant is preferably in the range of from about 8:1 to about 1:2. The ratio of auxiliary surfactant to oil dispersing nonionic surfactant is preferably in the range of from 1:100 to about 1:1, more preferably from about 1:8 to about 1:2. The preferred compositions within the scope of the invention comprise mixtures of nonionic surfactants, dispersible perfume or cosmetic oils and auxiliary anionic, zwitterionic and/or amphoteric surfactants, wherein the level of dispersible perfume or cosmetic oil is from about 6% to about 25%, preferably from about 10% to about 20%, more preferably from about 12% to about 18% by weight of the composition and the weight ratio of oil dispersing nonionic surfactant: dispersible perfume or cosmetic oil is in the range of from 1:20 to about 3:2, preferably from about 1:6 to about 1:2, more preferably from about 1:4 to about 1:3.

Stabilising systems suitable for inclusion in the compositions according to the present invention comprise a primary and secondary stabilising agent wherein the primary stabilising agent is an optionally modified clay or clay like material and the secondary stabilising agent is a heteropolysaccharide gum. Use of a mixed stabilising system is valuable for the delivery of lather having good volume, stability and appearance characteristics in combination with improvements in skin feel. Applicant has found that compositions having the mixed primary/secondary stabilising systems of the present invention deliver improved lather profiles at high cosmetic oil content versus products containing either the primary or secondary stabilisers alone.

The total level of primary and secondary stabilising agent present is from about 0.01% to about 15%, preferably from about 0.05% to about 12%, more preferably from about 0.1% to about 10% most preferably from about 0.5% to about 5% by weight wherein the ratio of primary stabiliser to secondary stabiliser is in the range of from about 32:1 to about 1:1, preferably from about 16:1 to about 1:1, more preferably from about 4:1 to about 2:1.

In preferred compositions according to the invention the primary stabiliser is a modified clay based material.

Suitable primary suspending agents for the compositions of the present invention include magnesium aluminium silicate ($\text{Al}_2\text{Mg}_8\text{Si}_2$), bentonite, hectorite and derivatives thereof. Magnesium aluminium silicate occurs naturally in such smectite materials as colerainite, saponite and sapphire. Refined magnesium aluminium silicate useful herein is available from the R. T. Vanderbilt Company, Inc. under the trade name Veegum (RTM) and from ECC America under the trade name Gelwhite MAS-H (RTM). Modified magnesium aluminium silicate materials such as magnesium aluminium silicate mineral CMC are available from the R. T. Vanderbilt Company, Inc. under the trade name Veegum Plus (RTM). This modified clay material contains smectite clay with sodium carboxymethylcellulose and titanium dioxide. Bentonite is a native hydrated colloidal aluminium

silicate clay available from ECC America under the trade name Bentonite H (RTM) and from Whittaker, Clark and Daniels under the trade name Mineral Colloid BP 2430 (RTM). Hectorite is one of the montmorillonite minerals that is a principal constituent of bentonite clay. Hectorite is available from Rheox Inc. under the trade names Bentone EW (RTM) and Macaloid (RTM).

The preferred primary stabilising agent is magnesium aluminium silicate mineral CMC available from the R. T. Vanderbilt Company, Inc. under the trade name Veegum Plus (RTM).

The preferred secondary stabilising agent in the compositions according to the invention is xanthan gum (xanthan/corn sugar gum) which is a heteropolysaccharide gum produced by a pure-culture fermentation of a carbohydrate with *Xanthomonas campestris* having a molecular weight of greater than about 1,000,000. It is believed to contain D-glucose, D-mannose and D-glucuronate in the molar ratios of 2.8: 2.0: 2.0. The polysaccharide is partially acetylated with 4.7% acetyl. This biosynthetic gum material is commercially available from Calgon under the trade name Kelgum CG (RTM) and from Kelco (a division of Merck & Co., Inc.), Meer and Vanderbilt under the respective trade names Keltrol (RTM), Merezan 8 (RTM) and Rhodigel (RTM) as well as from a variety of other sources. Xanthan gum mixtures are also available from Calgon, Alban Muller and others and are also suitable for inclusion in the compositions of the present invention. Further information on xanthan gum is to be found in Whistler, Roy L. (Editor) *Industrial Gums—Polysaccharides and Their Derivatives* New York: Academic Press, 1973.

Oil dispersing nonionic surfactants suitable for inclusion in the compositions according to the present invention have excellent oil dispersing characteristics as demonstrated by microscopy and Immersion tests.

To demonstrate the suitability of a nonionic surfactant for incorporation in the compositions according to the present invention a test matrix including the test nonionic and all other composition ingredients is prepared. A portion of this prototype is then viewed under a microscope using a Nikon Optipot-2 Videomicrowatcher. Surfactants suitable for incorporation in the compositions according to the present invention typically produce homogeneous (opaque) product matrices in which the oil droplets have a mean diameter in the range of from about 2 microns to about 30 microns, preferably from about 10 microns to about 20 microns.

In the Immersion Test, the in-use characteristics of prototype matrices are assessed. In essence, 6 ml of prototype matrix is dispersed in 20 liters of water at 40° C. The physical appearance of the resulting solution is then assessed. Compositions which result in turbid (cloudy) solutions wherein no oil droplets are visible to the naked eye are regarded as demonstrating the desired behaviour, providing they additionally deliver the required skin feel.

While the reasons for the skin feel benefits associated with the compositions according to the present invention are not clearly understood it is believed that the particular nonionic surfactants specified herein are able to substantially disperse a significant amount of oil into the composition matrix which leads to the skin feel advantage possibly due to the release of the oils onto the skin surface during bathing or showering.

Oil dispersing nonionic surfactants suitable for inclusion in the compositions according to the present invention are selected from C_{12} - C_{18} polyhydroxy fatty acid amide surfactants, preferably C_{12} - C_{16} polyhydroxy fatty acid

anti-bacterial agents such as Oxeco (phenoxy isopropanol); low temperature phase modifiers such as ammonium ion sources (e.g. NH_4Cl); viscosity control agents such as magnesium sulfate, citrate salts and other electrolytes; colouring agents; pearlescers and opacifiers such as styrene PVP polymers such as Lytron 631 (RTM), TiO_2 and TiO_2 -coated mica; perfumes and perfume solubilizers; and zeolites such as Valfour BV400 and derivatives thereof and $\text{Ca}^{2+}/\text{Mg}^{2+}$ sequestrants such as polycarboxylates, amino polycarboxylates, polyphosphates, polyphosphonates, amino polyphosphonates and gluconates etc and pH adjusting agents such as citric acid and salts thereof. Water is also present at a level preferably of from about 35% to about 95.4% preferably at least about 50% by weight of the compositions herein.

The pH of the compositions is preferably from about 4 to about 8.

The invention is illustrated by the following non-limiting examples.

In the examples, all concentrations are on a 100% active basis and the abbreviations have the following designation:

GA	Polyhydroxy fatty acid amide of formula I in which R_8 is $\text{C}_{11}-\text{C}_{17}$ alkyl, R_9 is methyl, and Z_2 is $\text{CH}_2(\text{CHOH})_4\text{CH}_2\text{OH}$
Anionic	Sodium lauryl-2 sulfate
Amphoteric	Empigen CDL 60 - an aqueous mixture of 23.5% cocoamphoacetate (in which R_1 is coconut alkyl, R_2 is H , and Z is CO_2Na) and 1.35% cocoamphodiacetate (in which R_1 is coconut alkyl, R_2 is $\text{CH}_2\text{CO}_2\text{Na}$ and Z is CO_2Na).
Betaine	Cocoamidopropyl dimethylcarboxymethylbetaine
Oil	Mineral Oil
Solan	Solan (RTM) E (PEG 55 lanolin)
Shea	Hydrosoluble Shea Butter (PEG 75)
Preservative	DMDM Hydantoin
Stabiliser 1	MGA1 silicate CMC (Vegum Plus (RTM))
Stabiliser 2	Xanthan Gum

EXAMPLES I TO VII

The following are personal cleansing compositions in the form of shower gel or bath foam products and which are representative of the present invention:

	I	II	III	IV	V	VI	VII
GA	2.0	5.0	6.0	4.0	9.0	6.0	5.0
Anionic	4.0	2.0	1.0	2.5	0.5	0.5	1.5
Amphoteric	—	2.0	—	—	—	—	0.5
Betaine	0.5	0.5	1.0	—	—	0.5	0.5
Oil	10.0	15.0	18.0	16.0	30.0	12.0	12.0
Solan	0.5	0.5	—	—	—	—	—
Shea	—	—	—	0.5	—	—	—
Stabiliser 1	0.8	1.6	4.0	0.3	1.6	2.0	0.2
Stabiliser 2	0.025	0.1	0.5	0.075	0.05	1.0	0.01
Perfume	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Preservative	0.15	0.15	0.15	0.15	0.15	0.2	0.2
Water	to 100						

Compositions I to VII are prepared by first hydration of the primary stabilising agent by stirring with water at ambient temperature followed by addition of the secondary stabilising agent with continued stirring and hydration and then addition of the mineral oil. Separately, the anionic surfactant is hydrated by mixing with water and heating to between about 20° C. and about 50° C. Next the oil dispersing nonionic surfactant is added with further with stirring and the mixture is cooled to between about 20° C. and 40° C. and then added to the stirred mix of stabilising

agents. The combined mixture is stirred and cooled to ambient temperature and the remaining water, preservatives, perfume and other materials are added.

Finally, the compositions have a viscosity (Brookfield RVT, Spindle 4, 20 rpm, 25° C., neat) in the range from 1,000 to 10,000 cps.

The products provide excellent in-use and efficacy benefits including excellent lather volume and stability characteristics, good skin feel during and after use, skin conditioning, mildness, stability, cleansing, good water-feel and appearance and rinsability.

I claim:

1. A personal cleansing composition comprising:

(a) from about 1.5% to about 10% by weight of an oil dispersing nonionic surfactant;

(b) from about 0.1% to about 10% by weight of auxiliary surfactant selected from other nonionic, anionic, zwitterionic and/or amphoteric surfactants and mixtures thereof;

(c) from about 3% to about 30% by weight of a perfume or cosmetic oil;

(d) from about 0.01% to about 15% by weight of a stabilizing system comprising a clay primary stabilizing agent and a hetero polysaccharide gum secondary stabilizing agent;

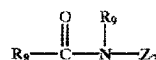
(e) from about 0.01% to about 5% of a polyoxvethylene-polyoxypropylene block copolymer conditioning agent; and

(f) water

wherein the ratio of primary to secondary stabilizing agent is in the range of from about 32:1 to about 1:1.

2. The composition of claim 1 wherein the composition has a viscosity (Brookfield RVT, Spindle 4, 20 rpm, 25° C., neat) in the range from about 1,000 to about 10,000 cps.

3. The composition of claim 1 wherein the oil dispersing nonionic surfactant is selected from $\text{C}_{12}-\text{C}_{18}$ polyhydroxy fatty acid amide surfactants having the general formula (I):



wherein R_9 is C_{1-4} alkyl, and R_8 is C_7-C_{19} alkyl or alkenyl, or mixture thereof; and Z_2 is a polyhydroxyhydrocarbyl having a linear hydrocarbyl chain with at least 3 hydroxyls directly connected to the chain, or an alkoxyated derivative thereof.

4. The composition of claim 1 wherein the oil dispersing nonionic surfactant is a polyhydroxy fatty acid amide having the formula $\text{R}_8(\text{CO})\text{N}(\text{CH}_3)\text{CH}_2(\text{CHOH})_4\text{CH}_2\text{OH}$ wherein R_8 is a $\text{C}_{11}-\text{C}_{17}$ straight chain alkyl or alkenyl group.

5. The composition of claim 1 wherein the oil dispersing nonionic surfactant is a $\text{C}_{12}-\text{C}_{14}$ polyhydroxy fatty acid amide.

6. The composition of claim 1 comprising from about 2% to about 9%, preferably from about 4.5% to about 7% by weight of the oil dispersing nonionic surfactant.

7. The composition of claim 1 comprising from about 6% to about 25% by weight of perfume or cosmetic oil wherein the perfume or cosmetic oil is dispersible in the oil dispersing nonionic surfactant.

8. The composition of claim 1 wherein the cosmetic oil is selected from the group consisting of water-insoluble silicones and modified silicones, amino and quaternary ammonium modified silicones, rigid cross-linked and reinforced silicones and mixtures thereof, C_1-C_{24} esters of C_8-C_{30}

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

2020
Bogotá, D.C., 11/01/2008

Abogada
ALICIA LLOREDA RICAURTE
Apoderada

ASUNTO	Radicación	04051594
	Trámite	002
	Evento	001
	Actuación	430
	Oficio	1627
	Folios	172

Patente de Invención	☒	Patente de Modelo de Utilidad	☐
Vía Nacional	☐		
Vía PCT (fase nacional)	☒	Cap. I	☐
		Cap. II	☒
No. Sol. Internacional	PCT/EP02/12627		
Fecha de Presentación Internal.	12/11/02		

Como resultado del examen de fondo, realizado con fundamento en el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

1. Documentos estudiados

- 1.1. Descripción: Folios: 63 a 123
- 1.2. Reivindicaciones: Folios 35 a 39 como se radicó inicialmente
Folios 49 a 51 modificadas.
Folios 124 a 126 modificadas.
- 1.3. Prioridad: Fecha: 04/12/01; 04/09/02
País: EP y GB.
Número: 01310130.8; 0220578.9

2. Objeto de la invención

- Título de la solicitud: **COMPOSICION PARA EL TRATAMIENTO DEL CABELLO QUE COMPRENDE PARTÍCULAS COMPUESTAS DE ARCILLA Y UNA MOLÉCULA ORGÁNICA CARGADA.** número de folio: 1

El objeto de la presente solicitud de patente de invención consiste en una composición para el tratamiento del cabello que comprende una dispersión

acuosa de partículas compuestas y los procesos para su preparación que proveen beneficios específicos de sensación en el cabello.

Reivindicaciones 1 - 12: proceso para preparar una composición para el tratamiento del cabello que comprende una dispersión acuosa de partículas compuestas que contienen: una arcilla con una carga de superficie neta y una molécula orgánica cargada que contiene al menos 6 átomos de carbono, el proceso consta de:

1. Mezclar la molécula orgánica cargada con la arcilla para preparar una dispersión acuosa de partículas compuestas.
2. Combinación de la dispersión acuosa con ingredientes adecuados para el tratamiento del cabello en un vehículo acuoso.

Reivindicación 13: Método para tratar el cabello caracterizado porque comprende la aplicación al cabello de una composición preparada por el proceso anterior.

Reivindicación 14: Método para modificar la sensación del cabello caracterizado porque comprende la aplicación al cabello de una composición preparada por el proceso anterior.

El problema planteado en esta solicitud es la necesidad de procesos y métodos útiles para preparar composiciones para el tratamiento del cabello que sean capaces de dar suavidad, humectación, facilidad para peinar, etc., que también dejen la sensación de limpieza, luz y airosa en el cabello.

Para solucionar este problema técnico la solicitud en estudio proporciona un proceso para la preparación de una composición para el tratamiento del cabello que consiste en preparar una dispersión acuosa de partículas compuestas al mezclar la molécula orgánica cargada con la arcilla y la combinación de la dispersión acuosa con ingredientes adecuados en un vehículo acuoso compatible.

- Clasificación Internacional de Patentes (IPC.): A61K 7/13

3. De la solicitud de Patente (según el caso)

3.1. Descripción (artículo 28 D. 486)

- No queda claro el término "sufractante" utilizado en varios apartes del capítulo descriptivo.

3.2. Reivindicaciones (artículo 30 D 486)

Una vez revisado el capítulo reivindicatorio esta dependencia encuentra:

- Reivindicación 1: No queda claro dentro del proceso cuales son los "ingredientes adecuados" que se combinan con la dispersión acuosa.
- Reivindicaciones 2, 4, 7, 9, 10, 11: Se reivindica un proceso con características fisicoquímicas de sus componentes no por medio de las etapas del mismo.
- Reivindicaciones 13 - 14: Los métodos reivindicados no contienen ninguna particularidad o etapa característica de los mismos sino que se caracterizan por el producto con el que se van a realizar o las ventajas que se van a obtener.

El objeto de la solicitud no es claro e incumple así mismo con el requisito de concisión, dadas las observaciones esbozadas en los numerales precedentes. En este sentido se requiere al interesado para que realice las modificaciones correspondientes a fin de subsanar las no conformidades encontradas por este Despacho.

4. Determinación del Estado de la Técnica

La fecha que se ha tenido en cuenta para determinar el Estado de la Técnica es:

Fecha de presentación de la solicitud prioritaria 04/12/01

Teniendo en cuenta la fecha indicada se realizó la búsqueda en el estado de la técnica de documentos relacionados con la solicitud encontrándose los siguientes documentos más relevantes:

Nº	Documento	Título	Fecha de publicación*
D ₁	US 5968491	DETERGENT COMPOSITION COMPRISING CLAY AND POLYSACCHARIDE GUM STABILIZING AGENTS	19/10/1999

5. Análisis de patentabilidad (según requisito) (artículo 14 D486)

5.1. Nivel inventivo (artículo 18 D486)

La presente Solicitud de Patente reivindica (de 1 - 12) un proceso para preparar una composición para el tratamiento del cabello.

Dicho proceso se ve afectado por el siguiente documento más cercano del Estado de la Técnica:

D₁ que enseña un proceso para la preparación de una composición para el tratamiento del cabello (Ver ejemplos I a VII y R1, folio 168).

CARACTERÍSTICAS REIVINDICADAS	D ₁
Mezcla de los componentes en un vehículo acuoso	Si CI 11 - 12

La única **diferencia con D₁** es que esta solicitud **usa directamente las partículas compuestas como una dispersión acuosa y no como una dispersión redispersa**, pero esta diferencia no parece conceder un efecto técnico inesperado o una ventaja que otorgue un salto tecnológico ventajoso excepcional.

Por lo tanto el problema a resolver en esta solicitud podría considerarse como un proceso alternativo para la preparación de una composición para el tratamiento del cabello que comprenda partículas compuestas de arcilla sin nivel inventivo ya

del cabello que comprenda partículas compuestas de arcilla sin nivel inventivo ya que el uso de una dispersión acuosa directa de las partículas parece conducir al mismo resultado que el uso de una dispersión redispersa (punto 2.1) y en este sentido usar una dispersión directa es una de las muchas posibilidades que una persona versada en la materia escogería como alternativa para resolver el problema propuesto.

Por consiguiente, de acuerdo a las consideraciones expuestas anteriormente, resultaría obvio el diseño de este tipo de procesos para un experto en la materia.

Además la solicitud no presenta algún salto tecnológico que lo haga superior a lo **previamente conocido**.

5.2 Aplicación industrial (artículo 19 D 486)

- Reivindicaciones 13 – 14: Se reivindican metodologías de aplicación de productos sobre el cabello directamente a una persona por lo tanto no tienen aplicación industrial.

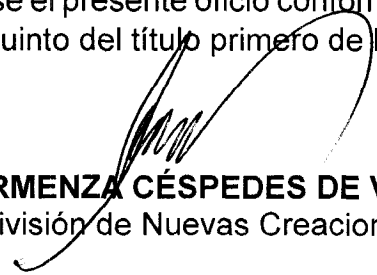
13. **Conclusión:**

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

N°	Documento N°	Reivindicaciones afectadas	Requisito que afecta
D ₁	US 5968491	1 - 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 60 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 N° 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 _____

CONCEPTO TÉCNICO No. 96	EXAMINADOR TÉCNICO Código No. 202087
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