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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____

SUPERINTENDENCIA Y COMERCIO
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Transmisor : 011 PCI-PRIFI 379 FOLIO NÚM 379 COMPLETO
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Expediente No. 04-061.302

Solicitud de Patente de Invención titulada:

"PRENDA ABSORBENTE RESUJETABLE Y METODO PARA ENSAMBLAR LA MISMA".

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

MEMORIAL DE ALCANCE

J. IAN RAISBECK, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado sustituto de la sociedad en referencia, según consta en la sustitución que adjunto, me permito manifestar lo siguiente:

1. Adjunto los resultados del Examen Preliminar Internacional de la presente solicitud. Al mismo tiempo me permito informar que dicho reporte no contiene anexos.

Atentamente,



J. IAN RAISBECK
CC. No. 79.376.996 de Bogotá
T.P. 135.799 CSJ

Anexo: Sustitución
Copia del Examen Preliminar Internacional

DECLARACIÓN DE PRESENTACIÓN PERSONAL Y
RECONOCIMIENTO DE CONTENIDO Y FIRMA.
NOTARIA EL ANTEMUER ESCRITO ENTREGADO A:
Industria
27 FUE PRESENTADO PERSONALMENTE
ANTE EL NOTARIO NOTARIA VEINTISIETE
DE SANABE DE CALIMA POR:
Jon Gasbeek
FUE PRESENTADO POR EL NOTARIO
NOTARIA VEINTISIETE DE SANABE DE CALIMA
Y QUE LA FIRMA Y QUE LA FIRMA
AUTENTICA POR FUESTA POR EL
EL NOTARIO
[Firma]
NOT: **08 JUL 2015** HUELLA
MARIA EUGENIA ROJAS DE URUETA
NOTARIA VEINTISIETE
REPUBLICA DE COLOMBIA

Comercio

86 1413579923



OLARTE RAISBECK

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Servicios Legales y Profesionales

149
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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

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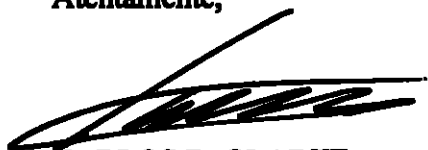
Solicitante: **KIMBERLY-CLARK WORLDWIDE, INC.**

SUSTITUCIÓN DE PODER

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá D.C., identificado como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad de la referencia, respetuosamente me permito manifestar que SUSTITUYO el poder a mi conferido por la mencionada sociedad, en el doctor **J. IAN RAISBECK LLINAS**, mayor de edad, domiciliado en Bogotá D.C., identificado con la Cédula de Ciudadanía No. 79.376.996 de Bogotá y portador de la Tarjeta Profesional No. 135.799 del Consejo Superior de la Judicatura, para que sea él quien en adelante asuma el trámite de la presente acción.

El apoderado sustituto conserva las mismas facultades del principal.

Atentamente,



CARLOS R. OLARTE
C.C. No. 79.782.747 de Bogotá
T.P. 74.295 del C. S. de la J.

AGENCIA DE PRESENTACION PERSONAL Y
RECONOCIMIENTO DE CONTENIDO Y FIRMA.

NOTARIA *El Anterior escrito dirigido a:*
Unid. Industria y Comercio

27 FUE PRESENTADO PERSONALMENTE
ANTE EL SUSCRITO NOTARIO VEINTISIETE
DE SANTAFÉ DE BOGOTÁ POR:
Carlos R. Blatte

10. C.C. 2.762.997.86 I.P. 24.293.691

DECLARO QUE EL CONTENIDO DEL ANTERIOR
DOCUMENTO ES VERDADERO Y USU FRUO EN LA FECHA DE
HAY UNA HUELLA PUZ EL



NOT: 18 ABR. 2005

HUELLA

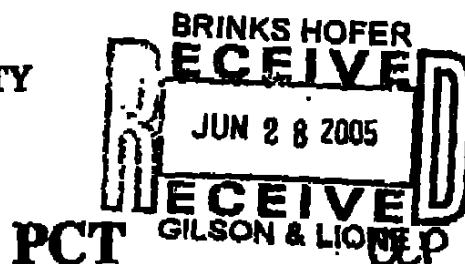
MARIA EUGENIA ROJAS DE URUETA
NOTARIA VEINTISIETE
REPUBLICA DE COLOMBIA



PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:-
ANDREW D. STOVER
BRINKS HOFER GILSON & LIONE
NBC TOWER-SUITE 3600
435 NORTH CITYFRONT PLAZA DRIVE
CHICAGO, IL 60611



NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year) 21 JUN 2005

Applicant's or agent's file reference

639/1012

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US02/38359

10 December 2002 (10.12.2002)

28 December 2001 (28.12.2001)

Applicant

KIMBERLY-CLARK WORLDWIDE, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

- Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Comptroller for Patents

P.O. Box 1430
Alexandria, Virginia 22313-1430

Facsimile No. (703) 305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

Harry Schwartz
Harry Schwartz

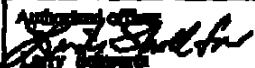
Telephone No. (703) 305-0838

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 639/1012	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IEPA/416)	
International application No. PCT/US83/3939	International filing date (day/month/year) 10 December 2003 (10.12.2003)	Priority date (day/month/year) 28 December 2001 (28.12.2001)
International Patent Classification (IPC) or national classification and IPC IPC7: A61P 13/15 and US Cl.: 604/385		
Applicant KIMBERLY-CLARK WORLDWIDE, INC.		
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet. ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing modifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>6</u> sheets. 3. This report contains indications relating to the following items: I ☒ Basis of the report II ☐ Priority III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability IV ☐ Lack of unity of invention V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI ☐ Certain documents cited VII ☐ Certain defects in the international application VIII ☐ Certain observations on the international application		
Date of submission of the demand 02 July 2003 (02.07.2003)	Date of completion of this report 20 June 2003 (20.06.2003)	
Name and mailing address of the IEPA/US Mail Stop PCT, AIA IEPA/US Consultation for Patent P.O. Box 1450 Alexandria, Virginia 22301-1450 Facsimile No. (703) 305-9230	Authorized officer  Telephone No. (703) 305-0858	

Form PCT/IEPA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US02/36339

I. Basis of the report

1. With regard to the elements of the international application:^a

- ☒ the international application as originally filed.
- ☐ the description:
 pages 1-51 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☐ the claims:
 pages 39-41 as originally filed
 pages NONE as amended (together with any statement) under Article 19
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☐ the drawings:
 pages 1-5 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages NONE as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 43.1(b)).
- ☐ the language of publication of the international application (under Rule 43.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequences disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheet/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).^a

^a Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not contained in this report since they do not contain amendments (Rules 70.16 and 70.17).

^a Any replacement sheet containing such amendments must be referred to under item 1 and attached to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US02/33359

V. Examined statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims 12-13 and 38-40	YES
	Claims 1-11 and 14-37	NO
Inventive Step (IS)	Claims 38-40	YES
	Claims 1-37	NO
Industrial Applicability (IA)	Claims 1-40	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-11 and 14-37 lack novelty under PCT Article 33(2) as being anticipated by Wilson et al. USPN 4701170.

With regard to claims 1-3, 5-11 and 14-37, Wilson discloses a diaper comprising a topsheet, a backsheet joined with the topsheet, an absorbent core positioned between the topsheet and backsheet having side and waist edges, side panels in the first and second waist regions. The second waist region has a side panel with a flaps and joined to the absorbent article and a flap and extending laterally outwardly therefrom (Figure 17). Wilson further comprises a fastening system (see Figure 17) for joining a portion of a 1st and 2nd waist regions. The fastening system includes an inboard portion and outboard portion, the inboard portion located laterally inboard of the outboard portion and are biologically connective. A portion of the proximal edge of the tab not joined to the side panel of the diaper so that the proximal portion of the tab member is free to lift away from the side panel of the diaper so that when the fastening system is fastened, the proximal portion of the tab member overlaps the outboard portion of the slot member and the distal edge of the tab member overlaps the inboard portion of the slot member (see Figure 18).

As to claim 4, the recited bonding limitation is directed to a process of making the article. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.

Claims 12 and 13 lack an inventive step under PCT Article 33(3) as being obvious over Wilson 4701170. Wilson does not specifically disclose adhesives or an array of hooks on the fastener portions. However, Wilson discloses the fastener can be any fastening means known in the art. It would have been an obvious matter of design choice to use adhesives or hooks in the fastener apparatus, since applicant has not disclosed that those embodiments solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with snaps or a slot fastener.

Claims 38-40 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed method of using the absorbent garment.

Claims 1-40 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NEW CITATIONS

US 4,701,170 A (Wilson et al) 20 October 1987, see entire document