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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
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***** CONSIDERACIONES ****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	Nº. PAGO	FECHA PAGO	VAL. PAGO
CARLIER RODRIGUES	CONSIGNACION	BANCO POPULAR	000 00110-0	83759927	05/02/2007	63.831.000.00

***** CONCEPTOS ****

CANT. RECEPCION	CONCEPTO	TOTAL CONCEPTO
1	50005-01-01 SOLICITUDES	202.000.00
	101 PTO DEP-01 EXAMEN DE PATENTABILIDAD	202.000.00
	TOTAL :	202.000.00

SON: DOSCIENTOS DOS MIL PESOS

RESPONSABLE : _____

BO DE CAJA APLICADO AL EXPEDIENTE No. _____

DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No 05-000592

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCION**
FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **568** DE
FECHA **29 DE SEPTIEMBRE DE 2006** EL TÉRMINO HÁBIL SEÑALADO POR
LA LEY EXPIRA EL **29 DE DICIEMBRE 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.

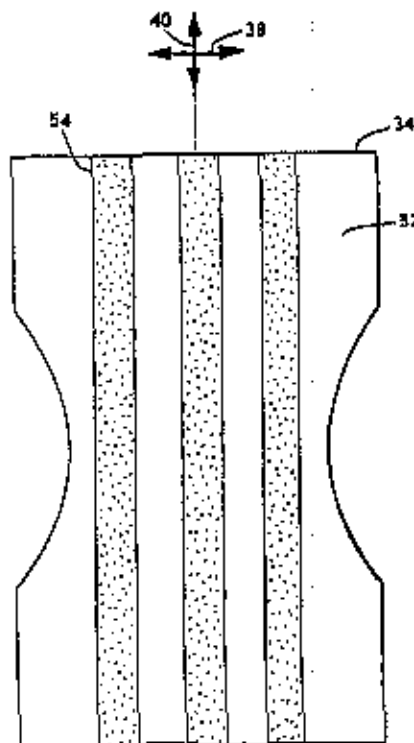
SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

SI _____ NO X _____



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁷ : A61L 15/34	A1	(11) International Publication Number: WO 00/64502 (43) International Publication Date: 2 November 2000 (02.11.00)
(21) International Application Number: PCT/US00/11088 (22) International Filing Date: 20 April 2000 (20.04.00) (30) Priority Data: 09/298,314 23 April 1999 (23.04.99) US (71) Applicant: KIMBERLY-CLARK WORLDWIDE, INC. [US/US]: 401 N. Lake Street, Neenah, WI 54956 (US). (72) Inventors: KRZYSIK, Duane, Gerard ; 1112 East Melrose Avenue, Appleton, WI 54911 (US). MUSIL, David, Charles ; 447 Silverwood Lane, Neenah, WI 54956 (US). ROSCH, Frank, Andrew, III ; W4823 Spring Hill Drive, Sherwood, WI 54169 (US). SHAW, Gordon, Allen ; W6253 Everglade Road, Greenville, WI 54942 (US). UNDERHILL, Diane, Michele ; 726 Congress Place, Neenah, WI 54956 (US). HOCKERSMITH, Jeffrey, Michael ; 14705 24th Avenue, SE, Mill Creek, WA 98012 (US). (74) Agents: CURTIN, Jeffrey, B. et al. ; Kimberly-Clark Worldwide, Inc., 401 N. Lake St., Neenah, WI 54956 (US).	(51) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). Published <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>	
(54) Title: ABSORBENT ARTICLE HAVING A LOTIONIZED BODYSIDE LINER (57) Abstract An absorbent article having a bodyside liner includes a lotion formulation on the outer bodyfacing surface thereof. The lotion formulation comprises from about 5 to about 95 weight percent of an emollient, from about 5 to about 95 weight percent of a wax, and, optionally, from about 0.1 to about 25 weight percent of a viscosity enhancer. The lotion formulation has a reduced level of migration which leads to improved transfer to the skin. The lotion formulation acts as a lubricant to reduce the abrasion of the skin caused by the liner and also transfers to the skin to provide improved skin health.		



ABSORBENT ARTICLE HAVING A LOTIONIZED BODYSIDE LINER

Background of the Invention

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Field of the Invention

The present invention relates to absorbent articles for absorbing body fluids and exudates, such as urine and fecal material. More particularly, the present invention
10 relates to absorbent garments, such as disposable diapers and adult incontinence garments, which include a lotionized bodyside liner for improved skin health benefits.

Description of the Related Art

15 Conventional absorbent articles, such as disposable diapers, employ absorbent materials located between a liquid pervious bodyside liner and a liquid impermeable outer cover to absorb body exudates. Such conventional absorbent articles have typically included elasticized waistbands and leg cuffs to help reduce the leakage of body exudates. Some conventional absorbent articles have also included elasticized containment or barrier flaps
20 at the leg or waist sections of the article to further reduce leaks.

Typically, the liquid pervious bodyside liners have been constructed of nonwoven materials such as spunbond polyolefin materials. Unfortunately, such materials do not always provide a soft, nonabrasive contact with the skin. In particular, during continuous
25 use of absorbent articles containing such liners, the wearer's skin can become quite irritated and red particularly in the presence of urine and feces. The abrasion resulting from such liners and the presence of urine and feces can undesirably lead to the onset of diaper dermatitis (diaper rash). Diaper dermatitis can afflict almost every infant at some time during the diaper wearing years. Although other factors influence the onset of diaper
30 dermatitis, critical factors include the abrasiveness of the bodyside liner and the hydration level of the wearer's skin.

To prevent body exudates from contacting the wearer's skin, the caregiver often applies skin protective products directly to the skin of the wearer before positioning the article on
35 the wearer. Such products have included petrolatum, mineral oil, talc, corn starch, or

various other commercially available rash creams or lotions. This procedure typically involves the caregiver applying the products to their hand and then transferring the products to the wearer's skin.

- 5 To eliminate the caregiver from contacting the products and to reduce skin abrasion and improve skin health, lotion formulations can be applied to the bodyside liners such that, in use, the lotion formulation either transfers to the skin or provides lubricity thereby reducing the friction between the liner and the skin. However, conventional lotion formulations have typically been lipophilic liquids, lipophilic semi-solids, or lipophilic solids based
10 formulations at room temperature. Such formulations have been unstable and tended to migrate away from the surface of the liner into the liner and absorbent core of the absorbent articles leaving less on the surface to transfer to the skin or provide the reduced abrasion. This migration problem is particularly evident at higher temperatures such as those at the skin surface in use or those in typical storage conditions in warm
15 climates.

Conventional absorbent articles, such as those described above, have not been completely satisfactory. For example, lotions which have been incorporated on the liners of such articles have migrated such that a less effective amount has been applied to the
20 wearer's skin or been located between the skin and the liner in use. Thus, large amounts of such lotions have been required to be added to the liner to deliver the skin benefit. Moreover, such absorbent articles have not always maintained a reduced level of skin hydration for the wearer. As a result, the wearer's skin has remained susceptible to rashes, abrasion and irritation. Accordingly, there remains a need for absorbent articles
25 which provide improved skin health.

Summary of the Invention

In response to the difficulties and problems discussed above, a new disposable absorbent
30 article which has an improved lotionized bodyside liner has been discovered. In particular, it has been discovered that a superior lotion treated bodyside liner for an absorbent article can be made by (1) applying to the outer bodyfacing surface of the bodyside liner, a melted moisturizing/protective/healing lotion formulation comprising an emollient, a wax, and, optionally, a viscosity enhancer and (2) resolidifying the formulation
35 to form a distribution, preferably a uniform distribution, of solid deposits on the bodyfacing

surface of the liner. Because the formulation is a solid at room temperature, defines a high melt point viscosity and rapidly solidifies after deposition, it has less tendency to penetrate and migrate into the liner and absorbent body of the article during processing and at elevated storage temperatures. Compared to liners treated with liquid or semi-
5 solid formulations, the lotion formulations of the present invention leave a greater percentage of the added formulation on the bodyfacing surface of the liner where it can contact and transfer to the wearer's skin to provide a benefit.

When employed in the present disclosure, the terms "comprises", "comprising" and other
10 derivatives from the root term "comprise" are intended to be open-ended terms that specify the presence of any stated features, elements, integers, steps, or components, but do not preclude the presence or addition of one or more other features, elements, integers, steps, components, or groups thereof.

15 As used herein, the term "viscosity" refers to the viscosity in centipoise determined according to ASTM D3236, entitled "Standard Test Method for Apparent Viscosity of Hot Melt Adhesives and Coating Materials."

As used herein, the phrase "melting point" refers to the temperature at which the majority
20 of the melting occurs, it being recognized that melting actually occurs over a range of temperatures.

As used herein, the phrase "melt point viscosity" refers to the viscosity of the formulation at the temperature at which the majority of the melting occurs, it being recognized that
25 melting actually occurs over a range of temperatures.

As used herein, the phrase "penetration hardness" refers to the needle penetration in millimeters according to ASTM D 1321, "Needle Penetration of Petroleum Waxes." Lower
needle penetration hardness values correspond to harder materials.

30 As used herein, the term "z-direction migration loss" refers to the value obtained when subjecting an absorbent article having a lotion formulation on the bodyfacing surface thereof to the Z-Direction Lotion Migration Test set forth below.

As used herein, the term "cd-direction migration loss" refers to the value obtained when subjecting an absorbent article having a lotion formulation on the bodyfacing surface thereof to the CD-Direction Lotion Migration Test set forth below.

5 In one aspect, the present invention resides in an absorbent article having a bodyside liner which includes a lotion formulation on the outer bodyfacing surface thereof. The lotion formulation comprises from about 5 to about 95 weight percent of an emollient, from about 5 to about 95 weight percent of a wax, and, optionally, from about 0.1 to about 25 weight percent of a viscosity enhancer.

10

In a particular embodiment, the lotion formulation is applied by known methods in the art such as spraying, slot coating or printing to the bodyside liner at a temperature no more than about 10°C above a melting point of the lotion formulation to reduce migration of the lotion formulation on the bodyside liner.

15

In another aspect, the invention resides in an absorbent article which includes an outer cover, a liquid permeable bodyside liner which defines a bodyfacing surface and which is connected in superposed relation to the outer cover, and an absorbent body which is located between the bodyside liner and said outer cover. The absorbent article also
20 includes a lotion formulation on at least a portion of the bodyfacing surface of the bodyside liner. The lotion formulation includes an emollient and the absorbent article defines a z-direction migration loss of no more than about 55% when subjected to the Z-Direction Lotion Migration Test set forth herein.

25 In some embodiments, the emollient is selected from the group consisting of oils, esters, glycerol esters, ethers, alkoxylated carboxylic acids, alkoxylated alcohols, fatty alcohols and mixtures thereof. Moreover, in some embodiments, the wax is selected from the group consisting of animal based waxes, vegetable based waxes, mineral based waxes, silicone based waxes and mixtures thereof all of which may be natural or synthetic.

30

For example, in a particular aspect, the present invention provides an absorbent article which includes an outer cover; a liquid permeable bodyside liner which defines a bodyfacing surface and which is connected in superposed relation to the outer cover, and an absorbent body which is located between the bodyside liner and the outer cover. The
35 absorbent article also includes a lotion formulation on at least a portion of the bodyfacing

surface of the bodyside liner which includes from about 5 to about 95 weight percent of petrolatum, from about 5 to about 95 weight percent of a wax selected from the group consisting of animal based waxes, vegetable based waxes, mineral based waxes, silicone based waxes and mixtures thereof all of which may be natural or synthetic and from about
5 0.1 to about 25 weight percent of a polyolefin resin, all based on the total weight of the lotion formulation.

The various aspects of the present invention advantageously provide an absorbent article with improved skin health benefits. In particular, the lotionized liner provides a soft,
10 smooth contact with the wearer's skin and reduced levels of skin irritation. Moreover, because the lotion formulations applied to the liner are more stable and have a higher viscosity than conventional lotion formulations, particularly at higher temperatures, a greater percentage of the added lotion remains on the surface of the liner where it can readily contact and transfer to the wearer's skin to provide the benefit. Further, if desired,
15 a lower amount of the lotion formulation can be added to the liner to provide the same benefit at a lower cost due to the localization of the lotion at the surface of the liner. As a result, the skin of the wearers of such absorbent articles has remained less susceptible to rashes, abrasion and irritation.

20 Brief Description of the Drawings

The invention will be more fully understood and further advantages will become apparent when reference is made to the following detailed description of the invention and the accompanying drawings, in which:

25 Fig. 1 representatively shows a partially cut away, top plan view of an absorbent article according to one embodiment of the invention in a stretched and laid flat condition with the surface of the article which contacts the skin of the wearer facing the viewer;

Fig. 2 representatively shows a sectional view of the absorbent article of Fig. 1 taken
30 along line 2—2;

Fig. 3 representatively shows a top plan view of the bodyside liner of the absorbent article of Fig. 1 with the surface which contacts the wearer facing the viewer; and

formed into a web having a basis weight of about 20 grams per square meter and a density of about 0.13 gram per cubic centimeter. The fabric may be surface treated with about 0.3 weight percent of a surfactant mixture which contains a mixture of AHCVEL Base N-62 and GLUCOPAN 220UP surfactant in a 3:1 ratio based on a total weight of the surfactant mixture. The AHCVEL Base N-62 is purchased from Hodgson Textile Chemicals Inc., a business having offices in Mount Holly, North Carolina, and includes a blend of hydrogenated ethoxylated castor oil and sorbitan monooleate in a 55:45 weight ratio. The GLUCOPAN 220UP is purchased from Henkel Corporation and includes alkyl polyglycoside. The surfactant may be applied by any conventional means, such as spraying, printing, brush coating or the like. The surfactant may be applied to the entire bodyside liner 34 or may be selectively applied to particular sections of the bodyside liner 34, such as the medial section along the longitudinal centerline of the diaper, to provide greater wettability of such sections.

The bodyside liner 34 of the absorbent article of the present invention further includes a lotion formulation on the outer bodyfacing surface 52 thereof. The lotion formulation generally includes an emollient, a wax and, optionally, a viscosity enhancer. For example, the lotion formulation may include from about 5 to about 95 weight percent of an emollient, from about 5 to about 95 weight percent of a wax, and from about 1 to about 25 weight percent of a viscosity enhancer based on a total weight of the lotion formulation. The lotion formulation may include other ingredients as well.

The emollient act as lubricants to reduce the abrasiveness of the bodyside liner to the skin and, upon transfer to the skin, help to maintain the soft, smooth and pliable appearance of the skin. Suitable emollients which can be incorporated into the lotion formulation include oils such as petroleum based oils, vegetable based oils, mineral oils, natural or synthetic oils, silicone oils, lanolin and lanolin derivatives, kaolin and kaolin derivatives and the like and mixtures thereof; esters such as cetyl palmitate, stearyl palmitate, cetyl stearate, isopropyl laurate, isopropyl myristate, isopropyl palmitate and the like and mixtures thereof; glycerol esters; ethers such as eucalyptol, cetearyl glucoside, dimethyl isosorbicide polyglyceryl-3 cetyl ether, polyglyceryl-3 decyltetradecanol, propylene glycol myristyl ether and the like and mixtures thereof; alkoxylated carboxylic acids; alkoxylated alcohols; fatty alcohols such as octyldodecanol, lauryl, myristyl, cetyl, stearyl and behenyl alcohol and the like and mixtures thereof; and the like and mixtures thereof. For example, a particularly well suited emollient is petrolatum. Other conventional emollients may also

be added in a manner which maintains the desired properties of the lotion formulations set forth herein.

To provide the improved stability and transfer to the skin of the wearer, the lotion
5 formulation may include from about 5 to about 95 weight percent, desirably from about 20
to about 75 weight percent, and more desirably from about 40 to about 60 weight
percent of the emollient. Lotion formulations which include an amount of emollient greater
than the recited amounts tend to have lower viscosities which undesirable leads to
migration of the lotion. Whereas, lotion formulations which include an amount of emollient
10 less than the recited amounts tend to provide less transfer to the wearer's skin.

The wax in the lotion formulations of the present invention primarily functions as an
immobilizing agent for the emollient and any active ingredient. In addition to immobilizing
the emollient and reducing its tendency to migrate, the wax in the lotion formulation
15 provides a tackiness to the lotion formulation which improves the transfer to the skin of the
wearer. The presence of the wax also modifies the mode of transfer in that the lotion
tends to fracture or flake off instead of actually rubbing off onto the skin of the wearer
which can lead to improved transfer to the skin. The wax may further function as an
emollient, occlusive agent, moisturizer, barrier enhancer and combinations thereof.

20 Suitable waxes which can be incorporated into the lotion formulation include animal,
vegetable, mineral or silicone based waxes which may be natural or synthetic such as, for
example, bayberry wax, beeswax, C30 alkyl dimethicone, candelilla wax, carnauba,
ceresin, cetyl esters, esparto, hydrogenated cottonseed oil, hydrogenated jojoba oil,
25 hydrogenated jojoba wax, hydrogenated microcrystalline wax, hydrogenated rice bran
wax, japan wax, jojoba butter, jojoba esters, jojoba wax, lanolin wax, microcrystalline
wax, mink wax, motan acid wax, motan wax, ouricury wax, ozokerite, paraffin, PEG-6
beeswax, PEG-8 beeswax, rezowax, rice bran wax, shellac wax, spent grain wax,
spermaceti wax, steryl dimethicone, synthetic beeswax, synthetic candelilla wax, synthetic
30 carnauba wax, synthetic japan wax, synthetic jojoba wax, synthetic wax, and the like and
mixtures thereof. For example, a particularly well suited wax includes about 70 weight
percent ceresin wax, about 10 weight percent microcrystalline wax, about 10 weight
percent paraffin wax and about 10 weight percent cetyl esters (synthetic spermaceti wax).

To provide the improved transfer to the skin of the wearer, the lotion formulation may include from about 5 to about 95 weight percent, desirably from about 25 to about 75 weight percent, and more desirably from about 40 to about 60 weight percent of the wax. Lotion formulations which include an amount of wax less than the recited amounts tend to have lower viscosities which undesirable leads to migration of the lotion. Whereas, lotion formulations which include an amount of wax greater than the recited amounts tend to provide less transfer to the wearer's skin.

A viscosity enhancer may be added to the lotion formulation to increase the viscosity to help stabilize the formulation on the bodyfacing surface 52 of the bodyside liner 34 and thereby reduce migration and improve transfer to the skin. Desirably, the viscosity enhancer increases the viscosity of the lotion formulation by at least about 50 percent, more desirably at least about 100 percent, even more desirably by at least about 500 percent, yet even more desirably by at least about 1000 percent, and even more desirably by at least about 5000 percent. Suitable viscosity enhancers which can be incorporated into the lotion formulation include polyolefin resins, lipophilic/oil thickeners, ethylene/vinyl acetate copolymers, polyethylene, silica, talc, colloidal silicone dioxide, zinc stearate, cetyl hydroxy ethyl cellulose and other modified celluloses and the like and mixtures thereof. For example, a particularly well suited viscosity enhancer is an ethylene/vinyl acetate copolymer commercially available from E. I. DuPont De Ne Mours, a business having offices located in Wilmington, Delaware under the trade designation ELVAX.

To provide the improved transfer to the skin of the wearer, the lotion formulation may include from about 0.1 to about 25 weight percent, desirably from about 5 to about 20 weight percent, and more desirably from about 10 to about 15 weight percent of the viscosity enhancer for reduced migration and improved transfer to the wearer's skin.

If it is desired that the lotion formulation treat the skin, it can also include an active ingredient such as a diaper rash skin protectant. Skin protectants are a drug product which protects injured or exposed skin or mucous membrane surface from harmful or annoying stimuli. Suitable active ingredients, in addition to those mentioned above as suitable emollients, which can be incorporated into the lotion formulation include, but are not limited to, allantoin and its derivatives, aluminum hydroxide gel, calamine, cocoa butter, dimethicone, cod liver oil, glycerin, kaolin and its derivatives, lanolin and its derivatives, mineral oil, shark liver oil, talc, topical starch, zinc acetate, zinc carbonate,

What is claimed is:

1. An absorbent article comprising:
 - a) an outer cover;
 - b) a liquid permeable bodyside liner which defines a bodyfacing surface and which is connected in superposed relation to said outer cover;
 - 5 c) an absorbent body which is located between said bodyside liner and said outer cover; and
 - d) a lotion formulation on at least a portion of said bodyfacing surface of said bodyside liner which includes from about 5 to about 95 weight percent of an emollient, from about 5 to about 95 weight percent of a wax, and from about 0.1 to about 25 weight
10 percent of a viscosity enhancer selected from the group consisting of polyolefin resins, polyolefin polymers, polyethylene, lipophilic/oil thickeners and mixtures thereof based on a total weight of said lotion formulation.
2. The absorbent article according to claim 1 wherein said emollient is selected from the group consisting of oils, esters, glycerol esters, ethers, alkoxyated carboxylic acids, alkoxyated alcohols, fatty alcohols and mixtures thereof.
3. The absorbent article according to claim 1 wherein said emollient is a petroleum based emollient.
4. The absorbent article according to claim 1 wherein said wax is selected from the group consisting of animal based waxes, vegetable based waxes, mineral based waxes, silicone based waxes and mixtures thereof all of which may be natural or synthetic.
5. The absorbent article according to claim 1 wherein said viscosity enhancer is an ethylene vinyl acetate copolymer.
6. The absorbent article according to claim 1 wherein said viscosity enhancer increases a viscosity of a combination of said emollient and said wax by at least about 50 percent at a temperature of 60°C.

127
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**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES**

2020

Abogado
EMILIO FERRERO

ASUNTO	Radicación	05-592
	Trámite	011
	Evento	379
	Actuación	430
	Oficio	
	Folios	014 8361

Patente de Invención ☒ Patente de Modelo de Utilidad ☐

Vía Nacional ☐

Vía PCT (fase nacional) ☒ Cap. I ☐ Cap. II ☒

No. Sol. Internacional: PCT/EP03/05494

Fecha de Presentación Internacional: mayo 26 de 2003

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. | <u>Descripción:</u> | Folios: 37 a 68 |
| 1.2. | <u>Reivindicaciones:</u> | Folios: 69 a 74 |
| 1.3. | <u>Dibujos:</u> | Folio: 36 |
| 1.4. | <u>Prioridad:</u> | 12 de junio de 2002, EP. No. 020120983.9 |

2. Objeto de la invención

- La Invención se titula **"ARTÍCULO ABSORBENTE QUE CONTIENE UNA COMPOSICIÓN PARA EL CUIDADO DE LA PIEL"** (folio 1)

En la **reivindicación independiente 1** se define "un artículo absorbente, tal como un pañal, calzoncillo protector para incontinencia de adulto, toalla sanitaria y similares que comprenden una capa superior permeable al líquido, una capa base impermeable al líquido y un cuerpo absorbente encerrado entre ellos, el artículo tiene una composición para el cuidado de la piel aplicada en al menos una porción..."

- El problema planteado en esta solicitud consiste en desarrollar un producto absorbente con una composición para el cuidado de la piel que sea estable a temperaturas elevadas y presente una rápida solidificación cuando es aplicada sobre la superficie de dicho producto y no penetre en las capas constituyentes del artículo absorbente.

La solicitud en estudio presenta un artículo absorbente que comprende una composición sólida para el cuidado de la piel, la cual incluye diversos emolientes y un acelerador de cristalización.

- El objeto de la invención se catalogó como A61L 15/34 según la Clasificación Internacional de Patentes (IPC).

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

3.1. Reivindicaciones (artículo 30 D 486)

- La reivindicación independiente 1 señala "el artículo tiene una composición para el cuidado de la piel aplicada en al menos una porción **de la misma manera que es transferible a la piel del usuario**" (negrita personal). La frase resaltada en negrita señala la aplicación de la composición durante el uso del producto absorbente.

Adicionalmente, dicha reivindicación señala "**la composición es sólida a 21 °C**" (negrita personal). La frase en negrilla señala el resultado a alcanzar (estado sólido a una determinada temperatura) con la selección y formulación de cada uno de los componentes que forman un agente para el cuidado de la piel.

Es importante mencionar que las reivindicaciones deben caracterizar un producto por la forma o constitución del mismo, las partes que lo componen y todo lo que permita establecer cómo se llega a ese resultado. No se aceptan reivindicaciones que caractericen usos, aplicaciones, efectos o resultados. Por lo anterior, las citadas frases en negrita deben eliminarse de la reivindicación en cuestión.

- La reivindicación 9 define un artículo absorbente en donde "**la composición para el cuidado de la piel tiene un punto de fusión en el rango de 35 a 65 °C, preferiblemente 35 a 50 °C y en particular de 35 a 45 °C**" (negrita personal) la frase en negrita señala el resultado a alcanzar con la elección y formulación de cada uno de los componentes que forman la composición para el cuidado de la piel. No se aceptan reivindicaciones que caractericen resultados, efectos o aplicaciones. Por lo cual, la reivindicación 9 debe eliminarse del correspondiente capítulo.

En conclusión, el capítulo reivindicatorio no cumpliría con el requisito de claridad de acuerdo con el artículo 30 de la Decisión 486.

4. Determinación del Estado de la Técnica

Considerando que la fecha de presentación de la primera solicitud de patente de la cual se reivindica prioridad es: 12 de junio de 2002, se buscaron documentos del estado de la técnica relacionados, con fecha de publicación anterior a esta.

Nº	Documento	Título	Fecha de publicación
D1	WO 00/64502	"ABSORBENT ARTICLE HAVING LOTIONIZED BODYSIDE LINER"	02 de noviembre de 2000

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

Es importante mencionar que el siguiente examen de patentabilidad se realizó teniendo en cuenta las objeciones del numeral 3 de la presente comunicación.

5.1. Novedad (artículo 16 D486)

Respecto a la solicitud en estudio:

La reivindicación independiente 1 define un artículo absorbente constituido por una capa superior permeable al líquido, una capa base impermeable al líquido y un cuerpo absorbente localizado en medio de dichas capas. Dicho artículo tiene una composición para el cuidado de la piel que comprende al menos:

- a) De 5 a 70% en peso de un componente con un punto de fusión comprendido entre 25 °C a 37 °C, elegido a partir del grupo de ceras sintéticas, parafinas, ésteres del ácido graso, ésteres del ácido graso polihidroxi, alcoholes grasos, ésteres de ácidos grasos alcoxilados, alcoholes ácidos alcoxilados y mezclas de estos compuestos.
- b) De 5 a 70% en peso de un componente cuyo punto de fusión es al menos 5 °C más elevado que el punto de fusión del componente a), el cual se elige a partir del grupo de parafinas, ésteres del ácido polihidroxi, alcoholes grasos de C₁₄-C₂₂, ácidos grasos de C₁₂-C₂₂, los derivados alcoxilados de los alcoholes grasos y ésteres grasos, y mezclas de estos componentes.
- c) De 5 a 25% en peso de un acelerador de cristalización elegido a partir del grupo de glicéridos parciales, diésteres de etilenglicol y ceras poliméricas con un punto de fusión en el rango de 45 a 70 °C,
- d) Menos del 5% en peso de agua.

Respecto al estado de la técnica

El documento WO 00/64502 (llamado D1 de aquí en adelante), divulga un artículo absorbente que comprende:

- a) Una cubierta exterior impermeable al líquido
- b) Una capa superior permeable al líquido
- c) Un cuerpo absorbente localizado entre dicha cubierta exterior y capa superior.
- d) Una composición para el cuidado de la piel aplicada en al menos una porción de dicha capa superior, la cual incluye:
 - De 5 a 95% en peso de un emoliente seleccionado de alcoholes grasos, ceras sintéticas, parafinas, entre otros.
 - De 5 a 95% en peso de una cera
 - De 0.1 a 25% en peso de una cera polimérica denominada como mejorador de viscosidad en la anterioridad y acelerador de cristalización en la solicitud estudiada.
 - Menos del 5% en peso de agua.

(folio 126, reivindicación 1; folio 118, líneas 8-11; folio 119, línea 29 a folio 120, línea 7; folio 121, líneas 16-21; folio 121, línea 29 a folio 122, línea 6; folio 123, línea 15 a folio 125, línea 21)

De acuerdo con lo expuesto, el producto absorbente con la composición para el cuidado de la piel, propuesto en la solicitud estudiada ya era conocido en D1, por lo cual no puede considerarse novedoso.

En conclusión, la materia de invención señalada en la solicitud en estudio se encuentra afectada en su novedad de acuerdo con el artículo 16 de la Decisión 486.

6. Conclusión:

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

Nº	Documento	Reivindicaciones afectadas	Requisito que afecta
D1	WO 00/64502	1-18	Novedad

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

27 JUN. 2008

CONCEPTO TÉCNICO No. 1590	EXAMINADOR TÉCNICO Código No. 202076
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