

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____

SUPERINTENDENCIA Y COMERCIO
Radicación: 05004483 00000007 Folio: 4
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Transmite: 011 DPT-DISEÑO 720 FASE DPT 444 REVISOR
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Expediente No. 05.008.483

Solicitud de Patente de Invención titulada:

**"CALZON ABSORBENTE DESECHABLE QUE TIENE COSTURAS
RESUJETABLES".**

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

RESPUESTA AL OFICIO No. 12295 NOTIFICADO
POR FIJACION EN LISTA No. 83, DE FECHA 4 DE MARZO DE 2005,
(EXAMEN DE FORMA)

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 dar respuesta al auto proferido por ese Despacho, dentro del término de prórroga solicitado en mi memorial de fecha 22 de abril de 2005, en los siguientes términos:

1. En respuesta a la única observación del Examinador, 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 y Reporte del Examen Preliminar Internacional

DILIGENCIA DE PRESENTACION PERSONAL Y RECONOCIMIENTO DE CONTENIDO Y FIRMA.

NOTARIA EL ANTERIOR ESCRITO DIRIGIDO A: Señor. Luciano y Constanza

27 FUE PRESENTADO PERSONALMENTE ANTE EL SUSCRITO NOTARIO VEINTISIETE DE SANDEZ DE BOGOTA POR: Don Agustin

Con C.C. 77.376.996 L.P. 135.999.051

Y ASESSES DECLARO QUE EL CONTENIDO DE ANTERIOR DOCUMENTO ES VERDADERO Y QUE NO ANTERIOR FUE PUESTA POR EL

EL SUSCRITO

HOY: 24 MAY 2005



HUELCA

MARIA EUGENIA ROJAS DE URUETA
NOTARIA VEINTISIETE
REPUBLICA DE COLOMBIA



OLARTE RAISBECK

OLARTE RAISBECK & FRIERI LTDA.

Servicios Legales y Profesionales

World Trade Center – Torre C
Calle 100 No. 8A-55, Piso 10
Bogotá D.C., Colombia
Tel +57 1 638-6200
Fax +57 1 638-6201
Nit 830 122 870-6
office@olarteraisbeck.com
www.olarteraisbeck.com

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Ref.: Expediente No. 05.008.483

Solicitud de Patente de Invención titulada: "CALZON ABSORBENTE DESECHABLE QUE TIENE COSTURAS RESUJETABLES".

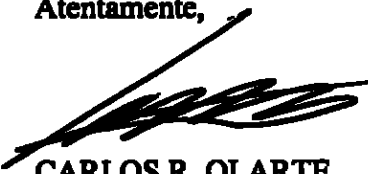
Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

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.

VERIFICACIÓN DE PRESENTACIÓN PERSONAL Y
RECONOCIMIENTO DE CONTENIDO Y FIRMA.

NOTARIA *Super. Excmo. y Comand.*
27 EL ANTERIOR ESCRITO DICHO A:
FUE PRESENTADO PERSONALMENTE
POR EL SEÑOR NOTARIO VEINTISIETE
DE SAN JUAN DE RIGOT POR:
Carlos M. Olarte.

CO. CC. *7782 77904* LP. *24.295 051*
Y ADICIONALMENTE QUE EL CONTENIDO DEL ANTERIOR
DOCUMENTO ES VERDADERO Y QUE LA FIRMA QUE EN
ANTERIOR FUE PUESTA POR EL
EL ESCRIBANO

HOY: **18 ABR. 2005**

HUELLA

MARIA EUGENIA ROJAS DE URUETA
NOTARIA VEINTISIETE
REPUBLICA DE COLOMBIA



PATENT COOPERATION TREATY

RECEIVED

APR 22 2005

Pauley Petersen & Erickson

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
JANINE A. MODERSON
PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD, SUITE 365
HOFFMAN ESTATES, IL 60195

PCTNOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

19 APR 2005

Applicant's or agent's file reference

18339

KCC-2196-PCT

IMPORTANT NOTIFICATION

International application No.

PCT/US03/16917

International filing date (day/month/year)

29 May 2003 (29.05.2003)

Priority date (day/month/year)

16 August 2002 (16.08.2002)

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 IPRA/US

Mail Stop PCT, Attn: IPRA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Michelle Kidwell

Telephone No. 571-272-3700

Form PCT/IPRA/416 (July 1992)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 18339	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPRA/416)	
International application No. PCT/US03/16917	International filing date (day/month/year) 29 May 2003 (29.05.2003)	Priority date (day/month/year) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): A61F 13/15 and US Cl.: 604/387		
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>5</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 rectifications 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> </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 04 February 2004 (04.02.2004)	Date of completion of this report 28 March 2005 (28.03.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>Sharon N. Greene for</i> Michelle Kidwell Telephone No. 571-272-3700	

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

9A
711**I. Basis of the report****1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-22 as originally filed
pages NONE filed with the demand
pages NONE filed with the letter of _____.
- ☒ the claims:
pages 23-29 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 1-4 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 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(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 sequence 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, sheets/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(o)).**

* 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 annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/16917

V. Reasoned 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 <u>11,12,18,19,21-29 and 33-39</u>	YES
	Claims <u>1-10,13-17,20,30-32 and 40-43</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-43</u>	NO
Industrial Applicability (IA)	Claims <u>1-43</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

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Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

V. 2. Citations and Explanations:

Claims 1 - 10 and 13 - 17 lack novelty under PCT Article 33(2) as being anticipated by KIMBERLY CLARK CO (GB 2296422).

With respect to claims 1 - 10, KIMBERLY CLARK CO discloses a disposable absorbent pant with the claimed separation, tensile and delamination strengths as set forth on page 4, line 36 to page 5, line 10 and page 15, line 15 to page 16, line 11 and in figure 5.

Claims 11 - 12 and 18 - 19 lack an inventive step under PCT Article 33(3) as being obvious over KIMBERLY CLARK CO (GB 2296422).

The difference between claims 21 - 29 and GB 2296422 is the provision that the article has specific separation, tensile and delamination strengths.

It would have been obvious to one of ordinary skill in the art to modify the specific strengths of GB 2296422 to determine the most effective product since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only a level of ordinary skill in the art.

Claims 20 and 30 - 31 lack novelty under PCT Article 33(2) as being anticipated by KIMBERLY CLARK CO (WO 02 053078).

With respect to claim 20, KIMBERLY CLARK CO discloses a disposable absorbent pant with the claimed limitations as set forth on page 9, lines 10 - 14; page 11, lines 10 - 14; figures 1 - 2 and in the abstract.

Regarding claims 30 and 31, see page 13, lines 22 - 25.

Claims 21 - 29 lack an inventive step under PCT Article 33(3) as being obvious over KIMBERLY CLARK CO (WO 02 053078).

The difference between claims 21 - 29 and WO 02 053078 is the provision that the article has specific shear separation strengths and bonding strengths.

It would have been obvious to one of ordinary skill in the art to modify the shear separations strength and bonding strength of WO 02 053078 to determine the most effective product since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only a level of ordinary skill in the art.

Claims 32 and 40 - 43 lack novelty under PCT Article 33(2) as being anticipated by Tomovic et al. (US 2002/0003022).

With respect to claim 32, Tomovic et al. disclose a disposable absorbent pant with the claimed limitations as set forth on page 5, paragraph 4; figures 4 - 6; page 12, paragraph 2 and page 8, paragraph 1.

As to claims 40 - 41, see col. 10, lines 35 - 37.

With reference to claims 42 - 43, see figures 4 - 6.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/16917

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 33 - 39 lack an inventive step under PCT Article 33(3) as being obvious over Tomsovic et al. (US 2002/0003022).

The difference between claims 33 - 39 and Tomsovic et al. is the provision that the article has specific shear separation strengths and bonding strengths.

It would have been obvious to one of ordinary skill in the art to modify the shear separations strength and bonding strength of Tomsovic et al. to determine the most effective product since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only a level of ordinary skill in the art.

NEW CITATIONS

115

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 144

2020
Bogotá D.C.,

Doctor(a)
OLARTE GARCIA CARLOS REINALDO
Apoderado(a) y/o Representante de
KIMBERLY-CLARK WORLDWIDE, INC

REFERENCIA	Radicación No.	05 8483
	Solicitud internacional	US2003/016917
	Fecha inicio fase nacional	16/03/2005
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	884
	Folios	1

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 la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,

19 8 JUL. 2006

ALIX CARMENZA CESPEDES DE VERGEL
Jefe de la División de Nuevas Creaciones

adpa10

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 05-008443

EL EXTRACTO DE LA PRESENTE SOLICITUD DE PATENTE DE INVENCION

PCT FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No 568

DE FECHA 29 DE SEPTIEMBRE DEL 2006, EL TERMINO HABIL 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__ ☒ __ ☐ __ ☐

Bogotá D.C., Abril de 2007

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

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RADICACIÓN: 5-8483

EDICTO No. 8867

**LA SECRETARÍA GENERAL AD-HOC
HACE SABER:**

Que esta Superintendencia profirió Resolución No. 12382 de 30-ABR-2007. Que el contenido de la parte resolutive es como sigue: El Superintendente de Industria y Comercio.

RESUELVE

ARTICULO PRIMERO: Declarar abandonada la solicitud de privilegio de patente de invención que entró en fase nacional en virtud del Tratado de Cooperación en Materia de Patentes (PCT), de acuerdo con las razones expuestas en la parte considerativa de la presente resolución.

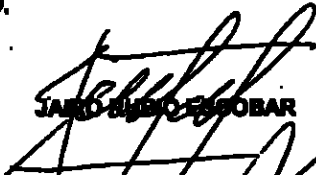
ARTICULO SEGUNDO: Notificar personalmente el contenido de la presente resolución al

doctor Ian Raisbeck Llines, o a quien haga sus veces, en su calidad de apoderado de Kimberly – Clark Worldwide, Inc., entregándole copia de la misma, advirtiéndole que contra ella procede el recurso de reposición interpuesto ante el Superintendente de Industria y Comercio, al momento de la notificación o dentro de los 5 días hábiles siguientes a ella.

NOTIFÍQUESE Y CUMPLASE

Dada en Bogotá, D.C., a los **30 ABR. 2007**

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO,


JAIRO EMILIO ESCOBAR

Para notificar a los interesados, se fija el presente EDICTO en lugar visible al público en la SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO, por el término de (10) diez días hábiles contados a partir de las 8:00 a.m. de hoy.

Secretaría General Ad-Hoc 17-MAY-2007 Esta edicto se desfilja hoy 31-MAY-2007 a las 4:30 p.m.
Secretaría General Ad-Hoc
EDICTO No. 8867