

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

462
SUPERINTENDENCIA Y COMERCIO
Radicación : 85018872 00000002
Fecha (AMD) : 2005-04-12 09:24:12
Trámite : 011 PCT-PATENT 379 FASE NACI 444 RESPUESTA
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES
Folios: 6

Expediente No. 05-010.072

Solicitud de Patente de Invención titulada:

"FIBRAS DE COMPONENTES MÚLTIPLES Y TELAS NO TEJIDAS HECHAS DE LAS MISMAS".

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

RESPUESTA AL OFICIO No. 12460 NOTIFICADO POR FIJACION EN LISTA No. 114,
DE FECHA 1 DE ABRIL 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 legal previsto en el artículo 39 de la Decisión 486, 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
Copia del Examen Preliminar Internacional

NOTARIA

275

V. 200. 170/9 DEC 14

Con C.C. 29316.2468/1. 135.209 25

EL DECLARANTE

100-443886-100

~~NOV 07 APR 2005~~

HUELLA

MARIA EUGENIA ROJAS DE URUETA

NOTARIA VENTISIETE
REPUBLICA DE COLOMBIA



OLARTE RAISBECK

OLARTE RAISBECK & FRIERI LTDA.

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763

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Ref.: Expediente No. 05.010.072

Solicitud de Patente de Invención titulada:

"FIBRAS DE COMPONENTES MULTIPLES Y TELAS NO TEJIDAS HECHAS DE LAS MISMAS"

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.

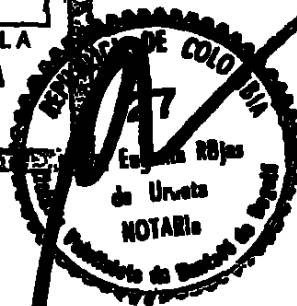
DILIGENCIA DE PRESENTACION PERSONAL Y
RECONOCIMIENTO DE CONTENIDO Y FIRMA.

NOTARIA *Supl. Industria y Comercio*
EL ANTERIOR ESCRITO DIRIGIDO A:
FUE PRESENTADO PERSONALMENTE
ANTE EL SUSCRITO NOTARIO VEINTISIETE
DE SETIEMBRE DE 2005 POR:
Carlos R. Plante
7976279746, D. 94.295 C.S.
CON LO CUAL SE CONFIRMA EL CONTENIDO DEL ANTERIOR
ESCRITO Y LA FIRMA DEL SUSCRITO.
FOLIO 199 LL.

HUY: *THAR 2005*

HUELLA

MARIA EUGENIA ROJAS DE URUETA
NOTARIA VEINTISIETE
REPUBLICA DE COLOMBIA



PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITYTo:
JASON W. JOHNSTON
DORITY & MANNING, P.A.
P.O. BOX 1449
GREENVILLE, SC 29602-1449**PCT**NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year) **14 FEB 2005**

Applicant's or agent's file reference

17347 **KCK-S24-PCT**

IMPORTANT NOTIFICATION

International application No.

PCT/US03/20138

International filing date (day/month/year)

25 June 2003 (25.06.2003)

Priority date (day/month/year)

21 August 2002 (21.08.2002)

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.

D & M DOCKETINGAction Due: **105/U.S.**Date Due: **14 MAY 2005**Initials: **LP**

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

Form PCT/IPEA/416 (July 1992)

Authorized officer

Jennifer A Boyd

Telephone No. 571-272-0994

RECEIVED

FEB 16 2005

DORITY AND MANNING

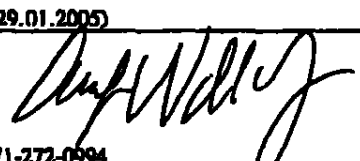
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

65
28

Applicant's or agent's file reference 17347	FOR FURTHER ACTION	See Form PCT/IPEA/416																
International application No. PCT/US03/20138	International filing date (day/month/year) 25 June 2003 (25.06.2003)	Priority date (day/month/year) 21 August 2002 (21.08.2002)																
International Patent Classification (IPC) or national classification and IPC IPC(7): D04H 5/00 and US Cl.: 442/361,364																		
Applicant KIMBERLY-CLARK WORLDWIDE, INC.																		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows: ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. ☐ (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. This report contains indications relating to the following items: <table border="0"><tr><td>☒ Box No. I</td><td>Basis of the report</td></tr><tr><td>☐ Box No. II</td><td>Priority</td></tr><tr><td>☐ Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>☐ Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td>☒ Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td>☐ Box No. VI</td><td>Certain documents cited</td></tr><tr><td>☐ Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td>☐ Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			☒ Box No. I	Basis of the report	☐ Box No. II	Priority	☐ Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	☐ Box No. IV	Lack of unity of invention	☒ Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	☐ Box No. VI	Certain documents cited	☐ Box No. VII	Certain defects in the international application	☐ Box No. VIII	Certain observations on the international application
☒ Box No. I	Basis of the report																	
☐ Box No. II	Priority																	
☐ Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																	
☐ Box No. IV	Lack of unity of invention																	
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☐ Box No. VI	Certain documents cited																	
☐ Box No. VII	Certain defects in the international application																	
☐ Box No. VIII	Certain observations on the international application																	
Date of submission of the demand 24 February 2004 (24.02.2004)	Date of completion of this report 29 January 2005 (29.01.2005)																	
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 Jennifer A Boyd  Telephone No. 571-272-0994																	

Form PCT/IPEA/409 (cover sheet)(January 2004)

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(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)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-10 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 11-13 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1/2-2/2 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

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

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below 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(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

67

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-29</u>	NO
Industrial Applicability (IA)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 1 - 8, 10 - 17, 19 - 20, 22 - 27 and 29 lack an inventive step under PCT Article 33(3) as being obvious over KATAOKA et al. (WO 98/29586) in view of APPEL et al. (US 4,340,563). KATAOKA teaches a heat-fusible composite fiber suitable for use in the formation of a non-woven web comprising multi-component fibers having a lower melting crystalline polypropylene copolymer sheath and a higher melting crystalline polypropylene core (Abstract). With regard to the limitation of the core having a melting temperature that is at least about 150 F greater than the melting of the sheath polymer, KATAOKA teaches that the melting points of the sheath and core crystalline propylene polymers are 110C to 150C and 157C respectively (Page 6, lines 20-21 and Page 7, lines 9-13). With regard to the monomer limitations, KATAOKA teaches 1 to 10 percent by weight of ethylene (Page 5, line 25 and Page 6, line 1). KATAOKA teaches for the sheath composition a propylene copolymer such as propylene-based propylene-ethylene binary copolymer consisting of 85 to 99 percent by weight of propylene and 1 to 15 percent by weight of ethylene monomer (Page 7, lines 14-25). KATAOKA teaches a composition comprising propylene homopolymer or propylene as the main component and a small amount of selected monomers (Page 6, lines 15-25). KATAOKA teaches cutting the continuous filaments to make a staple fiber comprising non-woven (Page 11, lines 8-13). KATAOKA teaches a sheath core weight ratio of 20/80 and 70/30 (page 11, lines 9 - 15). KATAOKA does not teach the specific melt flow rating range, but it is assumed to be inherent because all other physical limitations have been met. KATAOKA does not teach the specific amount of propylene present in the core but does state that propylene is the main component. It is assumed that it would have been obvious to optimize the amount of propylene in the core. KATAOKA teaches the claimed invention except fails to teach that the non-woven fabric is spunbonded and made from continuous fibers. APPEL teaches forming a spun-bonded non-woven fabric from substantially continuous filaments (Column 1, 25-30). Specifically, APPEL teaches spinning thermoplastic polymers, collecting said filaments on a porous surface to form a non-woven web having sufficient strength (Column 1, lines 25-30). APPEL teaches that the formed non-woven webs are suitable for use as diaper liners, and various other personal care articles (Column 1, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a continuous length spunbonded nonwoven motivated by the desire to create a nonwoven with sufficient strength for applications such as diapers.

Claims 9, 18, 21 and 28 lack an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of SHAWVER (US 5,709,921). KATAOKA in view of APPEL fail to specifically teach metallocene polymers, but does teach those obtained through Ziegler-Natta catalyst methods (Page 6, line 24 - Page 7, line 1). SHAWVER teaches forming a nonwoven fabric from metallocene polymers (Column 8, lines 4-16). SHAWVER teaches that metallocene polymers have unique properties different from Ziegler-Natta catalyst produced polymers such as having stretch and recovery properties (Column 1, 30-40). Therefore, motivated by the desire to provide and elastic nonwoven web, it would have been obvious to one having ordinary skill in the art at the time the invention was made to produce the propylene polymer of KATAOKA in view of APPEL using the metallocene process disclosed by SHAWVER.

NEW CITATIONS

US 4,340,563 A (APPEL et al.) 20 July 1982, see col. 1, lines 20-30.
US 5,709,921 A (SHAWVER et al.) 20 January 1998, see col. 8, lines 14-16.

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 68

2020
Bogotá D.C.,

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

REFERENCIA	Radicación No.	05 10072
	Solicitud internacional	US2003/020138
	Fecha inicio fase nacional	22/03/2005
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	892
	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,

10 JUL 2005

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

adpa10

DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 05-10072

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__ X _ _ _

Bogotá D.C., Abril de 2007

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RADICACIÓN: 5-10072

EDICTO No. 8888

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

Que esta Superintendencia profirió Resolución No. 12393 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 Reisbeck Lines, 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 RUBIO 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
Secretaría General Ad-Hoc
EDICTO No. 8888

Este edicto se desfiló hoy 31-MAY-2007 a las 4:30 p.m.