Expediente No. 05-058.259

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Superintendencia de Industria y Comercio DivisiOn de Nuevas Creaciones
E. S. D.

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Solicitud de registro de patente de modelo de invención
denominada ’Uso de Aceites Esenciales en ArtIculos
Absorbentes"
Solicitante: Grupo P.I. Mabe, S.A. de C.V.

Yo Dario CÆrdenas Navas, identificado como aparece al pie de mi firma y obrando en mi condiciOn de apoderado de la sociedad Grupo P.I. Mabe, S.A. de C.V., solicitante de la patente en referencia, a continuación doy respuesta al Oficlo No. 16054 notificado porfijaciOn en lista el 18 de Diciembre de 2.008.

1. Modificaciones at CapItulo Reivindicatorio

Con elfin de diferenciar en forma mucho mÆs clara el articulo desechable absorbente de la presente invenciOn de aquellos conocidos en el estado del arte mÆs cercano (documento Dl), me permito Ilamar la atención de ese despacho at hecho de que es deseo del solicitante presentar un capItulo reivindicatorio modificado, compuesto por solo 11 reivindicaciones, en el cual se ha modificado la reivindicación I del actual capItulo reivindicatorio bajo estudio, con el fin de reclamar de forma mÆs clara lo que facilitarÆ la diferenciaciOn de la materia objeto reivindicada gracias a que el solicitante ha especificado y limitado cada uno de los componentes a una concentración especIfica para de esta forma realzar las caracterIsticas novedosas del artIculo absorbente ahora reivindicado. El sustento requerido para esta modificaciÆn realizada en Ia reivindicaciOn 1, se encuentra en el mismo capitulo reivindicatorio y en la descripción tal y como fueron originalmerite presentados.

Sobre este particular, ateritamente me permito manifestar al seæor

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Examinador que las modificaciones realizadas en la nueva reivindicación 1 del capitulo reivindicatorlo baja estudlo, no amplian de ninguna manera el alcance de la invenciOn, sino que por el contrario tienen coma finaUdad limitar en forma mucho mas clara y especIfica la invención a un articulo absorbente desechable que contiene par Ia menos dos de los siquientes aceites esenciales: aceite do manzanilla, en una concentración de 0.1 a 10%; aceite do lavanda, en una concentraciôn de 5 a 85%; aceite do geranio, en una concentración do 2 a 60%; aceite de ylang ylang, en una concentraciOn de 1 a 40%; aceite de eucalipto en una concentración do 0.5
a 25%; para diferenciar en forma clara la materia objeto de la presente invenciOn, de aquella conocida en el estado del arte, realzando las caracterIsticas novedosas y las ventajas del articulo absorbente objeto de
la presente solicitud de patento de invenciÆn.

2. CaracterIsticas Novedosas de la materia objeto Reivindicada.

El seæorExaminador intenta desvirtuar la novedad de la materia objeto de
la solicitud de patonte Colombiana en cuestión afirmando en su concepto tØcnico lo siguiente:

"Respecto a la solicitud en estudio

La reivindicación indeperidiente I define un producto
absorbente desechable constituido bÆsicamente por una
capa superior permeable, una capa inferior impermeable y
una matriz absorbente colocada entre ambas capas, superior e inferior, caracterizado porque la capa superior contiene una mezcla do aceites esenciales compuesta par el menos dos de los siguientes aceites esenciales:
o aceite de manzanilla,
o aceite de lavanda,
o aceite de geranio,
o aceite de ylang ylang
o aceite do eucalipto;

Respecto al estado de la tØcnica

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El documento US6,475, 197 (llamado Dl do aqul en
ado/ante) divulga ArtIculos absorbentes constituidos por una capa inferior impermeable a los lIquidos, una capa superior permeable a los flu/dos y un corazOn absorbente dispuesto entre dichas capas superior e inferior (columna 13, lineas 33-43). Dicha cape superior contiene una mezc/a de aceites esenciales (columna 4, lineas 7-9; columna 9, lineas 23-29)compuesta por al menos dos (columna 10, lineas 43-44) do los siguientes aceites esenciales:
o Aceites de manzanilla (columna 10, lInea 29)
o Aceite do lavanda (columna 10, linea 34)
o Aceite de geranio (columna 10, lineas 31-32)

o

Aceite do ylang ylang (columna 10, lInea 43)
o Ace/to de eucalipto (columna 10, I/flea 31)

Do acuerdo con Ic anteriormente expuesto, el articulo absorbente
propuesto en la solicitud en estudlo ya era conocido en Dl, por Ia cual
no puede considerarse novedoso.

En conclusion, la mater/a do invención seæalada en la solicitud en Sestudlo se encuentra afectada en su novedad do acuerdo con el articulo 16 do la DecisiOn 486".

Sobre este particular, respetuosamente me permito manifestar a ese
Despacho, que las modificaciones realizadas en la reivindicaciOn 1 el
capitulo reivindicatorio, permiten diferenciar en forma mucho mas clara y
fÆcil 10 protegido en la solicitud de patente en estudio, frente a los articulos
absorbentes revelados en el documento Dl.

En efecto, de una minuciosa revisiOn del documento Dl, se puede establecer que Ia realmente divulgado en dicho documento (Dl) es un material que se utiliza en un articulo absorbente desechable de cara al cuerpo del usuario (capa superior del artIculo) que tiene depósitos solidificados de una composición hidrofIIca enriguecida en Ilpidos. La composición puede contener:

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De 10 a 90% en peso de un solvente hidrofIlico,
De 5 a 95% en peso de un glicol de alto peso molecular (720 0 mayor),
De 1 al 30% en peso de un alcohol graso,
De 0.5 a lO% en peso de un humectante,
De 1 al 20% en peso de un surfactante,
De 0.1 a 10% en peso de un esterol.
De 0.1 a un 30% en peso de grasas o aceites naturales. (ver reivindicación 1 y la descripciOn de tallada de la invención en el documento Dl).

Si bien dentro de las grasas o aceites naturales el documento Dl menciona mªs de 50 aceites esenciales (ver descripcion detallada de la

invenciOn

en Dl), dentro de los cuales mencionan los 5 aceites esenciales
que hacen parte de la solicitud Colombians baja estudio, en ninguno de los apartes del documento citado se menciona en forma especifica
que se utilizan al menos dos de estos cinco aceites esenciales en la
composiciôn. Adicionalmente, en ninguna de las enseæanzas
contenidas en el documento Dl, se revela a al menos se Ilega a sugerir
una concentración particular de cada uno de ellos dentro do la cornposición,
coma la que ahora se reclama en Is nueva reivindicación 1 de la presente
. solicitud, la cual results completamente diferente a lo revelado en Dl. Lo anterior, claramente significa pars una persona medianamente versada en
la materia que se presenta un comportamiento y una utilidad diferente entre
(a composición protegida en Dl y la mezcla de aceites esenciales protegida
mediante la solicitud de patente Colombians bajo estudio.

Par otro lado, ademÆs de las claras diferencias tØcnicas mencionadas
antes, existen oI:ras diferencias tØcnicas entre la composición de Dl y la presente invención, toda vez que la mezcla o composición revelada en Dl tiene un punto de ablandamiento de 30°C (ver columns 5, lIneas 12-13 de Dl), mientras que la mezcla de aceites esenciales del documento en estudio es liguida a temperaturas menores a 30°C. Adicionalmente, la composición protegida en Dl contiene de 0.5 a un 30% en peso de aceites o grasas naturales, mientras que (a mezcla del documento en

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estudia contiene el 100% de aceites esenciales, seleccionados do entre los cinco mencionados.

En vista de lo anterior, es clara que al contener el 100% de aceites esenciales, la materia objeto de la invención baja estudio, provoca que la mezcla de al menos dos de los cinco aceites en las concentraciones especificas reclamadas, penetre al organismo mediante et olfato o el race con la piel y provoquen el estado de bienestar que se busca al colocar esta mezcla de aceites esenciales sobre la capa superior del artIculo absorbente
desechable, lo que no ocurre de ninguna manera con el usa do la
composición de Dl, toda vez, que al ser una composición completamente
diferente a la de la presente invención, y que busca ünicamente proteger la
piel del usuario del articulo, par lo cual contiene otros compuestos ademÆs
do un 0.5 a un 30% de "cualquier" aceite esencial, hacienda que dicha ScomposiciOn de Dl sea un deposito sOlido que cumple la función de una barrera que no es absorbida ppr Ia piel del usuarlo (ver resumen de Dl), lo
cual es una evidencia de Ia diferentes quo resultan las enseæanzasde Dl a
las de la presente invenciOn.

En conexión con Jo anterior, atentamente me permito dirigir la atención de
ese Despacho a Ia quo se establece con respecto a la evaluaciOn de la
novedad do una invenciOn, en dos apartes del "Manual para el Examen de
. Solicitudes de Patentes de lnvenciOn en las Oficinas de Propiedad Industrial do los Palses de la Comunidad Andina" (en adelante Manual de
Patentes), el cual resulta ütil para demostrar en forma contundente que la
presente invenciOn, se ajusta cabalmente a la Normativa Andina en Jo
referente al requisito de novedad que deben cumplir todas y cada una de
las invenciones para poder gozar del privi!egio de patente solicitado. En el
acÆpite 94,del citado Manual de Patentes, se establece:

"Para determinar la novedad de la invención, se debe com_probar
si existen anticipaciones del estado de la tØcnica que contenqn expilcitamente todas las caracteristicas tØcnicas esenciales de
í a invención. El examen de novedad se efectUa comparando elemento par elemento do la invención tal coma estÆ definido por

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las reivindicacJones con los del estado de ía tØcnica" 1 (Resaltado fuera de texto).

Y en otro acÆpite del mismo Manual de Patentes, se afirma Jo siguiente: "Si todas las caracterIsticas tØcnicas de la reivindicaciOn indopendionte so encuentran descritas en un mismo antecedente y
ademØs se oncuentran Intimamente relacionadas, el objeto de
dicha reiviridicac/On carece de novedad. Si una caracterIstica,
aungue sea banal, no se encuentra contenida en el
antecedente, ía reivindicación es nueva."2 (resaltado fuera de

De acuerdo con las diferencias tØcnicas mencionadas anteriormente y Steniendo en cuenta las enseæanzasdel los apartes citados del Manual de Patentes, es claro que en el anÆlisis de novedad realizado en el presente
caso, se cita un documento (Dl) en cuyo contenido NO se enseæanen
forma explicita todas y cada una de las caracteristicas tØcnicas
esenciales de la mezcla de al menos dos de los cinco aceites
esenciales mencionados en la presente invención con sus correspondientes concentraciones especificas, que se reclaman en la
reivindicación I modificada; en particular, ningün elemento de los
. esenciales en la invención del documento Dl, enseæa o anticipa la mezcla especifica de al menos dos de los aceites esenciales en las cantidades (concentraciones) reivindicadas, asI como tampoco se enseæan su
absorción por la piel y/o el olfato del usuario de dicha mezcla para
brindar un efecto benØfico.

En consecuencia, al Ilevar a cabo el examen de novedad frente a las
enseæanzas del documento Dl, teniendo en cuenta las recomendaciones hechas por parte de las oficmnas de patentes de los paises miembros de la CAN, se encuentra que a pesar de que el documento citado se desarrolla en el mismo campo tecnolOgico de la presente invención, no constituye una anticipaciOn relevante de la materia reivindicada, toda vez, que en ninguno de sus apartes enseæaexactamente Ia misma mezcla ahora reivindicada, ni COMUNIDAD ANGINA, Secretaria General, Manual para el Examen de Solicitudes de Patentes de lnvención en las Oficinas de Propiedad Industrial de los POises de la Comunidad Andina, 2a Edición, Quito, Ecuador. Junio de 2004, pÆgina 65.
Op. Cit. PÆgina66.

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en su composición particular, ni mucho menos en la concentraciOn especIfica de cada uno de sus componentes, que en la presente invención son completamente fundamentales para poder brindar el efecto deseado. Por to tanto, es evidente que las enseæanzas del documento citado, NO resultan lo suficientemente relevantes como para desvirtuar la NOVEDAD de la presente invención.

Por lo tanto, es completamente claro y evidente que ía materia revelada en
Dl, presenta diferencias tØcnicas suficientemente relevantes para que no
pueda ser considerada como un antecedente que afecte la novedad de la
presente invenciOn, toda vez que tanto su componentes especIficos, coma
las cantidades de los mismos (concentraciOn), son tan diferentes que sus
caracterIsticas finales resultan tambiØn diferentes resaltando de esta Imanera las caracteristicas NOVEDOSAS de la materia objeto de la presente solicitud Colombiana que se encuentra bajo estudio.

3. ConclusiOn

Asi las cosas, resulta claro que las modificaciones realizadas par parte del
solicitante on el capItulo reivindicatorio, con elfin de resaltar aün mÆs las
caracterIsticas NOVEDOSAS de la presente invenciOn, para diferenciarla
, de los artIculos similares existentes en el estado del arte, especIficamente de los revelado en Dl, permiten que la materia objeto ahora reclamada,
no solo sea fÆcil de comprender para un lector medianamente versado en
la materia, sino que ademÆs,resulten fÆcitesde identificar las diferencias y
las ventajas tØcnicas que implica la mezcla particular de all menos dos de
los aceites esenciales en las concentraciones especificas reclamadas,
para poder gozar del privilegia de patente de invención reclamado.

Por to tanto, solicitO a ese Despacho, se sirva estudiar nuevamente la presente solicitud a la luz de las modificaciones y los argumentos aqul presentados, y proceder a la concesión de la patente solicitada.

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4. Anexos

Recibo oficial de caja No. 09 1- correspondiente a las

mod ificaciones realizadas.

El CapItulo reivindicatorio modificado compuesto par 11 reivindicaciones,
tal y coma Se manifestO anteriormente.

Atentamente,

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S Dario Cªrdenas Navas

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REIVINDICACIONES

1 - Un articulo absorbente desechable constituido bªsicamente por una capa superior permeable, una capa inferior impermeable y una matriz absorbente colocada entre ambas capas superior e inferior, caracterizado porque la capa superior contiene una mezcla de aceites esenciales compuesta por at menos dos de los siguientes aceites esenciales:

aceite de manzanilla, en una concentración de 0.1 a 10%
aceite de lavanda, en una concentraciôn de 5 a 85%
aceite de geranio, en una concentración de 2 a 60%
aceite de ylang ylang, en una cancentraciOn de I a 40%
aceite de eucalipto en una concentraciOn de 0.5 a 25%.

2.- Un articulo absorbente desechable tal coma el descrito en las reivindicaciOn 1, caracterizado porque la mezcla contiene ademÆs uno o varios de los siguientes aceites: de cedro, de mandarina, de palo de rosa, de hierbabuena yb de sÆndalo.

3.- Un articulo absorbente desechable tal coma et descrito en las reivindicaciones 1 y 2, caracterizado porque la capa superior del artIculo contiene la mezcla de aceites esenciales sobre el l00% de su superficie.

4.- Un articulo absorbente desechable tal coma el descrito en las reivindicaciones I y 2, caracterizado porque la mezcla de aceites esenciales esta localizada en zonas especIficas de la capa superior.

5.- Un articulo absorbente desechable tal coma el descrito en las reivindicaciones I a 4, caracterizado porque la mezcla de aceites esenciales esta diluida en aceite de almendras dulces.

6.- Un articulo absorbente desechable tat como el descrito en las reivindicaciones 1 a 5, caracterizado porque al artIculo contiene una fragancia, y la mezcla de aceites esenciales esta diluida en la misma.

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7.- Un articulo absorbente desechable tat coma el descrito en las reivindicaciones I a 5, caracterizado porque at articulo contiene una fragancia y (a mezcla de aceites esenciales, diluida con aceite de almendras dulces se mezcla con la fragancia antes de ser aplicada.

8.- Un articulo absorbente desechable tal coma el descrito en las reivindicaciones 1 a 7, caracterizada porque la mezcla se aplica sabre cualquier elemento del articulo absorbente desechable que este en contacto con la piel del
usuario.

9.- Un articulo absorbente desechable tat como el descrito en cualquiera de las reivindicaciones anteriores, caracterizado porque el articulo es un pan-al

desechable.

10.- Un articulo absorbente desechable tat coma el descrito en cualquiera de las reivindicaciones 1 a 8, caracterizado porque el articulo es una toalla femenina.

11.- Un articulo absorbente desechable tal coma el descrito en cualquiera de las reivindicaciones 1 a 8, caracterizado porque el artIculo es un calzón desechable

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US006749860B2

(12) United States Patent Tyrrell et al.

(54) ABSORBENt’ ARTICLES WITH NON - AQUEOUS COMPOSITIONS CONTAINING BOTANICALS

(75) inventors; i)avid John Tyrrell, Appleton, WI (US); Chantel Spring Bubrow,
Wevauwega, WI (US); Beth Anne
Lange, Appleton, WI (US); Duane
Gerard Krzysik, Appleton, WI (US);
Earl David Brock, Kimberly, WI (US);
James Louis Caliall, Appleton, WI
(US); Samuel Qcheng Lin, Paramus,
NJ (US); Ronni Lynn Weinkauf,
Oradell, NJ (US); Uma Sa ntha non,
Penally, NJ (US)

(73) Assignee: Kimberly-Clark Worldwide, Inc.,
Neenah, WI (US)

. () Notice: Subject to any disclaimer, the term ofthis
patent is extended or adjusted under 35
USC. 154(b) by 217 days.

(21) AppI. No.: 09/747,382

(22) Piled: Dec. 22, 2000

(63) Prior Publication Data

US 20020136735 Al Sep, 26, 2002

(5.1) Int. Cl,7

(10) Patent No.: US 6,749,860 B2
(45) Date of Patent: Jun. 15, 2004

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(List continued on next page.)

PIT! ILk PUI3I.ICAI’IONS

Akin, Frank J.; Lemmen, Jac T.; I3ozarth, Dena I...; Garofalo, Martin J.; and Grove, Gary I..:"A refined method to evaluate diapers for eftcctivencs.s in reducing skin hydration using the adult forearm," Skin Research and Tec/tnolorr, ISSN 0909-752X, 1997, pp. 173-176.
Berg, Ronald W., PhD; Milligan, Michael C., M.B.A.; and Sarhaugh, Frank C.; ’Association of Skin Wetness and p!l with Diaper Dermatitis," I’L’Lliot’Ic Dernmiologv, Mar., 1994, vol. 11, No. 1, pp. 18-20.
lmai, Satoshi and Kuwabara, Chihiro; Pigeon Co., Ltd., Ibaragi, Japan; "Infant Skin and Its Care," Cosmetics & Jor/etrira, vol. 107, Jul., 1902. pp. 85-86, 88-90.

(List continued on next page.)

Primary Examiney----Ttiurman K Page
A.s.iaIont F.vontjnL’rSharon I.. 1iosard
(74) Attorney,.4gvtt. or FirnzJy.ssa A. Dudkowski

AOIN 25/34 (57) ABSTRACT
(52) U.S. CI... 424/404; 424,402

(38) Field of Search..................................424 402, 405

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(List continuerl on next page.)

The present invention relates to absorbent articles including non -aqueous compositions for protecting the harrier tune - don of the skin. The compositions can be applied to the bodvfacing surfaces of absorbent articles so that the com-positions come into contact with the skin. The compositions of the invention have improved stability on the boclyfacing surfaces after processing. ’ftc compositions of the invention provide several benefits including prevention and alleviation of skin irritations associated with the use of absorbent articles. The compositions can include emollients, viscosity enhancers and extracted botanical actives.

54 Claims, 6 Drawing Sheets

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US 6,749,86() B2

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Diaper dermatitis is a genre of skin conditions that, in large part., originate from impaired skin harrier function. impairment of the skin barrier can result from a variety of factors, including: increased skin hydration due to the occlu-sion of the skin caused by diapers, enzymatic skin damage due to fecal and urinary enzymes, and physical damage caused by friction against the diaper surface and repeated cleaning of the skin with absorbent tissues or wet wipes. Excessive hydration of thc skin also has a negative effect on the skin harrier. The hydration level of diapered skin, for example, may reach between five to ten times that of o ncti apered skin, Frequent contact of diapered skin with urine may also contribute to increased skirt hydration. Increased skin hydration disrupts skin lipid organization in the stratum corneum. This disruption may increase the permeability of the skin to irritants from feces and urine, bus increasing the risk of skin inflammation.
Disposable absorbent articles such as diapers, training pants, adult incontinence products, absorbent under pants, feminine care products and nursing pads have been used to absorb body fluids and leave the skin dry. Disposable absorbent articles of this type generally include a liquid impermeable hack.shect member, an absorbent core or assembly, and a liquid permeable body facing or liner material. The body facing or liner material comes into contact with the wearer’s skin. While the body facing material is made of a soft, compliant material, the material rubs against the skin during use and may not leave the skin completely dry and free of the bodily fluids, such as solid or semisolid waste, the absorbent article is trying to absorb. During frequent insults of bodily fluids and frequent use of disposable absorbent articles, the skin can become irritated and appear rcd and be sore to the touch.
Creams, lotions or ointments can he used to provide an artificial hydrophobic barrier on the skin and to treat skin conditions such as diaper rash, Application of these types of products to the skirt is often messy and inconvenient. Often, these products are not used prophylactically and are only used when signs of diaper rash are visible.
Diaper liners and other bodyfacing materials may be treated with emollients, such as petrolatum, that can be transferred to the skin through normal diapering practices. Once transferred to the skin, diaper liner formulations may provide an artificial barrier against feces and urine. These formulations may require high concentrations of petrolatum to ensure sufficient transfer to the skin to provide a benefit. I ugh concentrations of petrolatum can he messy, greasy to the touch, and may impair the fluid handling properties of an absorbent article, such as a diaper. The slow penetration of petrolatum into the skin can lead to smearing of the agent over the skin and onto clothes and other materials.

Formulations, such as those containing petmola toil, are applied to the bodyfacing materials of absorbent articles during manufacture. In order to process and apply the formulations to the bodyfacing materials, the formulations need to be in a scmi-solid or fluid state. However, in order to have stability on the bodyfacing material after manufacture, the formulations need to be semi-solid or solid across a wide range of shipping and storage temperatures. Not all of the presently known formulations are sufficiently stable on the bodyfacing materials. Consequently, such formulations may transfer off of the bodyfacing material prematurely or the formulations may migrate away from the skin-facing surfaces of the materials,
Oilier compositions arc known for treating skirt irritations, such as diaper rash. For example, U.S. Pat. No 5,809,033

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issued to Schulz on Feb. 9, 1999 describes organophilic clays as being effective for inactivating irritating fecal proteolytic enzymes. The Schulz patent describes organo-philic clays as clays that have been treated with long-chain
5 organic amphiphilic compounds such as long-chain quater-
nary amines so as to result in the exchange of alkali metal ions liv cationic organic molecules to render the clay orga-nophilic. iherefore, the clays described as being capable ui adsorbing and inactivating fccal cnzvntes in the Schulz 10 patent are modified clays, the Schulz patent describes hydrophilic clays such as montmorillonite, bentonite, beidcllilc, heetorite, saponite and StCvcnSitC as suitable thickeners for vehicles that include the organophilic clays. The Schulz patent does not, however, recognize any anti - is irritation benefit of hydrophilic clays. Though hydrophobic vehicles are described as being suitable vehicles for the organophilic clays, the Schulz patent discourages the usc of vehicle compounds having relatively long hydrocarbon chains (C-S and longer) because of their interaction with the
20 organophilic clays that causes the organophilic clays to have
diminished adsorptive capability for fecal enzymes.
In U.S. patent application Ser. No. 09.47,535 tiled Dec.
30, 1009, compositions for use in conjunction with absor-

bent articles are taught. The compositions include unmodi- 25 fled clays for the purpose of sequestering skin irfitants such
as fecat enzymes. The Set. No. 09/475,535 application recognizes an efficacy for unmodified clays that was not disclosed or suggested by the Schulz patent. Further, the 5cr.

No, 09/475,535 application teaches unmodified clays as 0 having sequestering activity in compositions containing
long hydrocarbon chains of C-S or longer.
Thus, what is needed is a topically effective conipositiort delivered front a hodyside or bocl facing material of an

absorbent article that protects, maintains, recovers or other- 35 benefits skin harrier function against physical damage
and irritants in biological fluids. It would also be desirable to provide a topical composition delivered from a bodvside material of an absorbent article that absorbs into the skin, is

non-greasy and cosmetically acceptable to the consumer. 40 Additionally, it would be desirable to provide a topical
composition having improved stability on the hodvsidc material of an absortient article. Further, it would be desir-able to provide topical composition delivered from a

hodyside material of an absorbent article that does not 45 impair the waste containment functions of the absorbent

article.

SUMMARY OF THE INVLN’l’ION

In response to the difficulties and problems discussed
so above, compositions and the use of those compositions on
absorbent articles for protecting the skirt harrier and subdu-ing the inflamm:itory response of the skirt have been dis-covered. Ihe compositions of the inVCtttiOtl provide several benefits associated with harrier function including protect-
55 ing the skin harrier and subduing the inflammatory response
of the skin harrier. While the compositions of the inventions can have a variety of applications, the cotupositions are particularly beneficial when used in conjunction with absor-bent articles such as diapers, incontinence garments, fettii-nine care products, training pants, diaper pants, nursing pads and wound dressings. Additionally, the compositions of the invention could also provide benefits when used in conjunc-tion with tissue, pru-moistcuecl wipe products and cosmetic cleansing and buffing pads. A further benefit of the compo-ss sitions of the invention is that the compositions show improved transfer from the absorbent articles to tIre skin. l’hc purposes arid advantages of tIre liresetti invention will

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he set forth in and apparent from the description that follows, as well as will he learned by practice of the invention. Additional advantages of the invention will he realized and attained by the compositions and articles par-ticularly pointed out in the written description and claims hereof, as well as from the appended drawings.
In one aspect, the present invention relates to an absorbent article that inclut es an outer cover, hodyside ii ncr, all absorbent body and a composition. The budyside liner is typically liquid permeable and defines a hodyfacing surface. The hodyside liner is connected in a generally superposed relation to the outer cover, The absorbent bo.dy is located between the hudvside liner and tile Outer cover, The corn - posit ton is on a portion or the entire bodytacing surface of he hodyside liner. ’J’he composition can be generally solid, semi -solid or liquid. The composition may he in a variety of fornis, including, but not limited to, emulsions, lotions, creams, ointments, salves, suspensions, gels and the like. The composition can he applied to the hodyside liner using a variety of techniques including foam application, spraying, slot coating and printing. The present invention also encom-passes technology that would permit integration of the composition directly with fibers or other materials used to Corm the hodysicic liner. ’ihe compositions earl he applied to the hoclyfacing surface in amounts of from about 0.1 grams per meter squared (g/mc) to about 30 g/m2. The composi-tions of the invention could also he applied to or be present on other skin contacting surfaces of absorbent articles such as the waist and leg elastics and the containment tiaps. The compositions of the invention can include from about ii to about 95 percent by weight of one or more emollients. L’mollients are skin conditioning ingredients that help to soflen, smooth, plasticize, lubricate, moisturize, improve the appearance of, improve the feel of and protect the skin. More specifically, the compositions include from about 20 to about 75 percent by weight of emollient(s). Even more specifically, the compositions include from about 40 to about 30 percent by weight of emollient(s). Suitable emollients include petroleum based oils, petrolatum, vegetable oils, hydrogenated vegetable oils, animal oils, hydrogenated ani-ma] oils, mineral oils, alkyl dimethicones, alkyl mcthiconcs, alkyld imethicone copolyols, phenyl silicones. alkyl riniethvlsilocs, diniethicone, lanolin and its derivatives, esters, branched esters, glycerol esters and their derivatives, propylene glycol esters and their derivatives, alkoxylated carboxylic acids, alkoxylated acids, fatty alcohols, triglycerides, alkyl hvciroxvstearatcs and mixtures of such compounds.
The compositions of the invention also include from about 5 to about 95 percent by weight of one or more solidifying agents. More specifically, the compositions include from about 25 to about 75 percent by weight of solidifying agents. liven more specifically, the compositions include from about 40 to about 60 percent by weight of solidifying agents. A solidifying agent is a material capable of solidifying the eonflpOsitiOtl Sci that the composition is solid at room temperature and has a penetration hardness of at least 5 mm. More specifically, the solidifying agent includes one or more materials that are capable of solidify-ing the natural fats/oils and emollient combination so as to have S Penetration 11 ardness of 5 toI about:165 01111 at 25° C. liu rther, the solid i lying agent sc liditics the emollient ((IF the fat/oil!cnaollicut combination when fats and oils are used in the composition) so that it has a melting point between 32° C. and 100° C. One or more soliditing agents can he selected from alkyl siloxancs (with a melting point greater than 35° C.), polvnicrs, waxes (animal, vcta,ctablc or

mineral), synthetic waxes, hydrogenated vegetable "animal oils having a melting point of 35° C. or greater, fatty acid esters and branched esters having a melting point of 35° C. or greater, alkyl hvdroxystearates (>C11), cilkoxylated aleo-hols and alleoxylated carboxylic acid.
Examples of suitable solidifying agents include, but are not limited to, the following compounds: alkyl silicones, alkyl trimethylsiianes, beeswax, behenyl bhenate, behenyl bcnzdlatc, C,105 alkyl ci itnethiconc, C1 alkvl o dimethicone, cetyl methicone, stearyl methicone, cetyl dimethicone,.stearvl dimethicone, eerotvl dimethicone, can-delilla wax, carnauha, synthetic carnaub:t. PEG -12 carrtauba, cerasin, hydrogenated microcrystalline wax, joioha wax, microcrystalline wax, lanolin wax, oz.okeritc,  is paraffin, synthetic paraffin, cetyl esters, hehenvi behenate, C20C40 alkyl behenate, C1_C15 lactate, cetyl palmitate, stearyl palniit ate, isc.)steryl la tiryl hehenctie, stearyl benzoate, behenyl isOstearatc, cetil myristate, cclvi octanoate, cctyl oleate, cetyl ricinoleatc, cetyl stca rate, decyl on olcate, di-C1C15 alkyl fumerate, dibehcnyl fumerate, myristyl lactate, myristyl lignocerate, myristyl myristate, myristyl stearate, lauryl stearate, nctyhdodecvl stearate, octvldodecy 1 stea royl ste a rate, ole vl araehidate, ole yl stearate, trideevi behenate, tridecyl stearate, triclecyl stcarovl stearate, pentaerythrityl letrabehenate, pentaerythritylhydro-genated rosinate, peniaerythrityl distearate, pentaerythritvl tetraabeite, pentaerythrityl tctraeocoate, penitaervthrityl tctraperiargonatc, pcntacrythritvl tctrastearate, ethylene vinyl acetate, polyethylene, hydrogenated cottonseed oil,
o hydrogenated vegetable oil, hydrogenated squalene, hydro-
genated coconut oil, hydrogenated jojoba oil, hydrogenated palm oil, hydrogenated palm kernel oil, hydrogenated olive oil, polyam ides, metal stea rates and other nie tail soaps, C30053 fatty alcohols, C20 l’attv aniides, polypropylene,
s polystyrene, polybutane, polybutylene tercphthalatc, polydipentane, polypropylene, zinc stearate, dociccyl lauratc, stearyl palmitatc, octadecyl hexaciecar,oatc, octadc-cyl palniitate. stearyl behenate, docosyl octanoatc, tetradecyl-octadecanyt behenate, hexadecyl-co.sanyl 40 hexacosanate, shellac wax, glycol montanate, fluoranated waxes, C2C4,, alkyl hvdrmorstearyl stearate and mixtures of such compounds. Examples of suitable branched esters include tetradecvl-octacdecanvl bchenate nct hexadecyl-cosanyl- hex acosanate.
45 In addition to the components already described, the compositions of the invention may further include from about 0.1 to about 40 percent by weight of one or more cotnpotttids acting as viscosity enhancers than increase ihe mcltpnint viscosity of the emollients of the composition.
50 More specifically, the compositions include from about 5 to
about 20 percent by weight of one or more viscosity enhanc-ers. Even more specifically, the compositions include from about 10 to about I percent by weight of viscosity enhancer(s). The viscosity enhancer increases the mcltpnint
55 viscosity of the compositions to have a high viscosity under
low shear and at the "hot box car" stability temperature of approximately 54.5° C. having high viscosity (>50,000 ccntipoisc) at elevated temperatures prevents the composi-tions from migrating into or away from the materials to
o which they are applied. However, the viscosity enhancer component also provides a viscosity (<5.000 centipo
for the compositions Tinder high shear iillJ at processing temperatures. The viscosity enhancers of the invention are capable of providing a desirable viscosity, depending on

65 shear and temperature conditions, for compositions having a range of nieltitig points. While it is riesirat.ile for composi-
tiotis of the invention to have ittcrcased viscosity tinder ’’hot

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box car" stability conditions, the increased viscosity can he maintained, in part, through the use of one or more viscosity enhancers op to the melting point of the particular compo-sition. Ivpically, process temperatures are approximately 50 C. above the melting point of the composition. Examples of suitable viscosity enhancers include polyolefin resins, lipophilienil thickeners, ethylene/vinyl acetate copolymer,;, organically modified clays, polyethylene, silica, silica silyl ate, silica met by! silylate, colloidal silicone dioxide, alkyl bvdroxy ethyl cellulose, other organically modified eeiiuloses, PVPdecane copolymer, PVM/MA decadiene crosspolyrrter, PVP/eicosenc copolymer, PVP/hexadecane copolymer, microcrystalline wax, hexadecyl-cosanyl-hexacosanate, shellac wax, glycol montanate, PEG-12 carnauba, syutheuc paraffin, ozokerite, C20C40 alkyl hydroxystearyl stearcue, polyperfluoromethylisopropylether monlan wax and mixtures of these compounds. Many of the solidifying agents, also described herein, have been found to provide the same benefits to the compositions of the inven-tion as the viscosity enhancers
The viscosity enhancers are selected to influence the rheologieal properties of the compositions. For example, one or more viscosity enhancers can be selected so that the composition has a viscosity Of greater than about 50,000
centipoise at temperatures of about 550 C. and lower under low shear, Additionally, one or more viscosity enhancers can he selected so that the composition has a viscosity less than about 5,000 centipoise at temperatures of about 600 C, and higher curler shear for processing conditions.
The compositions of thu invention can also include from about 0.1 to about 10 percent by weight of one or more extracted botanical actives. More specifically, the composi-tions can include from about 0.5 to about 8 percent by weight l one or more extracted botanical actives [yen more specifically, the compositions include from about 1 to about 5 percent by weight of extracted botanical actives. The extracted botanical actives, in combination with the other components of the composition, provide several benefits to the skin, particularly skin that is frequently covered by an absorbent article and that is exposed to biological insults. Extracted botanical actives can include any water-soluble or oil-soluble active extracted from a particular plant. Lxani pies of suitable extracted botanical actives are aCtives extracted from echinacea, yucca glauca, willow herb, basil leaves, Turkish oregano, carrot root, grapefruit fruit, fennel fruit, rosemary, thyme, blueberry, bell pepper, black tea, blackberry, black currant fruit, Chinese tea, coffee seed, dandelion root, date pa fruit, gingko leaf, green tea polyphenols (i.e. including cpieatechin gatlate and epigal-locatechita 3-0-gallate), hawthorn berries, licorice, oolong tea, sage, strawberry, sweet pea, tomato, vanilla fruit, neohesperidin, quercetin, rutin, morin, myricetin, chioro-genie acid, gltttathionc, glycyrrhizio, absinthe, arnica, ceo-tella asiatica, chamonidlle, comfrey, cornflower, horse chestnttt, ivy (Herdercz helix), magnolia, mimosa, oat extract, panscy, scitllcap, seahucktborn, white nettle, witch hazel and any comhinatioris.tftcrcof. Particular benefits have been observed with conipositions including echinacea, yucca gh Luca, green tea, black tea, (mlong ita and as illow herb. Ecl-nnacea actives may be obtained from the following echinacea species: EC/IiIUaCeit angostifoiia.. Echinacea and [rh/no cci,)oJJiili/. /arfrtics of black tea
include Flowery Orange Pekoc, Golden Flowery Orange Pekoe and Fine Tippy Goldcn Flowery Orange l"ckoc. Varieties of green tea include Japanese and Green Darjeel-ing.
Botanicals are primarily extracts of the plants from which they originate and botanicals are available from suppliers as

part of a composition that also contains an extracting sol-vent. Amounts of the botanicals in the compositions of the invention in terms of active component (not extract) may range from about 0.000001 to about 100, by weight. Desirably, the amount of active botanical is from about 0.00001 to about 5% and more desirably from about 0.0001 to about 10 by weight of the composition. Further, it is also desirable that the amount of active botanical is from about 0.0()1 to about 050, of the composition and more desirably
 to from about 0.001 to about O.l’h by weight of the compost-
lion.

Sometimes it is necessary for the compositions of the invention to include additional components that can be used to emtilsity or suspend the extracted botanical active with 15 the rest of the composition. If the extracted botanical active is not properly incorporated into the composition, it may not have the hioavailahility to provide benefits to the skin, In addition to modifications to the formulation, extracted botanical actives can also be better incorporated through the
20 use of processing techniques. For compositions of the inven-
tion including Echinacea, it may he necessary to add an emulsifying agent such as in emulsifier having an 11kB less than 7. An appropriate emulsifying agent is AHII_ [M90 emulsifier available from Goldschmidt AG of Germany. 25 Other appropriate emulsifiers include sorhitan monooleate, sorhitan sesquioleate, sorhitan tricmleate and glycerol monooleate. The Echinacea can also be better incorporated into the composition by using high shear in processing or a suitable viscosity enhancer. Another option for dispersing a
so botanical such as Echinacea is to first blend the botanical
with a hydrophilic solvent such as water, propylene glycol, butylene. glyco I or glvee ml. Dispersing the botanical in a hydrophilic,sohvent and using an emulsifying agent to incor-porate the solvent into the remainder of the composition
c provides the botanical in a bioavailahle" form in which it
can contribute to protecting the skin barrier and subduing the inflammatory response of the skiti.
For the reasons described above, emulsifiers, particulamba those of HLB below 7, may he useful for purposes of the
40 present invention at levels to from about 0_1 to about 10%
by weight. Suitable emulsifiers include alkoxylated C0C10 fatty acids and fatty alcohols. Examples of such emulsifiers are pilyoxyethvlene (2) laurvl ember, pohvoxvethylene (3) m000stearate, pofyoxyethylene (6) cetyl ether and Polyoxy-45 (5) stearyl ether and Myreth-3-Mynistate (CT1’A name) available commerciahhy as "Cctiol 1414-Ffi". Other suitable emulsifiers included ectyl phosphate salts and time-thicone copolyob, the latter commercially available as ABLE EM90 emulsifier from Goldschmidt AG of Germany. Phos-
so phatides such as lecithin may also be useful as emulsifiers in
the compositions of the invention.
The compositions of the invention can also include from about 0.1 to about 95 percent by weight of natural fats or natural oils that contain essential and non-essential fatty
55 acids. More specifically, the compositions can include from
about ci to about 75 percent by weight of natural fcit.s or natural oils, Desirably, the compositions of the invention include from about 10 to about SIt percent by weight of natural fats, natural oils or mixtures of both, Natural fats and so oils include fats, oils, essential oils, fatty acids.., fatty pin spholipids and mixtures of these c oiipounds.
The natural fats and oils Can he similar to the lipids that are present in healthy skin in order to mimic the naturally present lipids. Synthetic or synthetically modified fats and
65 oils could potentially also be used if they functioned in the
same manner as their natural counterparts. Examples of fats and oils include Avocado Oil, Apricot Oil, Bahassu Oil,

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Borage Oil, Camellia Oil, Canola Oil, Castor Oil, Coconut Oil, Corn Oil, Cottonseed Oil, Evening Primrose Oil, Hydrogenated Cottonseed Oil, Hydrogenated Palm Kernel Oil, Maleated SoyI.ein Oil, Meadowfuam Oil, Palm Kernel Oil, Peanut Oil, Rapeseed Oil, Safflower Oil, Sphingolipids, Sweet Almond Oil, Tall Oil, Lanolin, Lanolin Alcohol, Laurie Acid, Palmitic Acid, Stearic Acid, Linoleic Acid, Stearvl Alcohol, 1.aurvl Alcohol, Myristvl Alcohol, l3eheoyl Alcohol. Rose Hip Oil, Calcndula Oil, Chamomile Oil, Eucalyptus Oil, Juniper Oil, Sandlewood Oil, Tea Tree Oil, Sunflower Oil, Soybean Oil and mixtures thereof
The compositions can also include sicrols, sterol deriva-tives or mJxttlres of built in an amount of from about 0.1 to about 10 percent by weight. Sterols and sterol derivatives include compounds such as 3 -sterols with a tail on the 17 position and no polar groups, such as cholesterol, Cu,Cao choleslerol/lanusterol esters, tall oil sterols, soy sterols, sierol esters and mixtures of these compounds- More specifically, the compositions include from about 0.5 to about 5 percent by weight of sterols, sterol derivatives or mixtures of both. Even more specifically, the compositions include from about 0.8 to about 1 percent by weight of the sterol compounds. Lxarnples of suitable stood compounds include cholesterol, sitosterol, stigmasterol, and ergosterol, as well as, Cao_Cao cholesterol/lanoslerol esters, cholecalciferol, cholesteryl hydroxystearate, cholesteryl isosteirate, cholestervl stearate, 7-dehvelrocholeterol, clihvdroehotesterol, d iliydrocholestcryl oetyldecanoate, dill ydrolauosterol, dihydrolanostcryl octyldeeannate, ergocalciferol, tall 0il sterol, soy sterol acetate, lanasterol, Soy sterol, avocado sterols, "AVOCADIN" (as ailable lom Cruda Ltd. of Parsippany, N.J), sterol esters and mixtures thereof.
In addition to one or more viscosity enhancers, the compositions of the invention may also include one or more rheology modifiers. Rheology modifiers arc compounds that increase the viscosity of the Compositions at lower tempera-tures as well as process temperatures. Rheology modifiers or suspending agents also provide structure" to the composi-tions to prevent settling out (separation) of insoluble and partially soluble components. Other components or addi-tives of the compositions may effect the temperature viscosities,rheologies of the compositions. By increasing the viscosity at process temperatures, the rheology modifiers will increase the low shear viscosity above 50,000 centi-poise. However, the rheology modifiers are thixotropic in behavior; therefore, their viscosity decreases as shear and pressure increases. Consequently, when the rheology niodi-fiers are used in the compositions of the invention, they maintain the suspension of insoluble and partially soluble components. This capability can he particularly important if, during processing, the composition must be left stagnant in process lines and hoses. The rheology modifiers will main-tain the suspension of the insoluble and partially soluble components for a period of time that depends on the vis-cosit v of the composition and on the amount of rheology nioditier present. The thixotropic behavior of the rheology modifiers causes their viscosity to drop when processing is resumed and the composition is no longer stagnant clue to the application of pressure and shear forces. In addition to stabilizing the suspension of insoluble and partially soluble components, the rheology modifiers of the invention also help to stabilize the compositions on the bodyfacing or other materials to which the compositions are applied. Examples of suitable rheology modifiers include silica, silica silylate, silica methyl silylatc, quaternary starch eonipou ndts, quater-nary modified clays, organically modified clays and mix-

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tures thereof. Such rheology modifiers can help maintain the suspension of an insoluble emollient, such as a siloxane, particulates such as mierocncapsulates, clays and inorganic materials or an inso Itt b Ic extracted botanical active, such as Echinacea, within the composition. The compositions of the invention can include from about 0.5 to about 20 percent by weight of one or more rheology modifiers.
The use of one rheo It igv modifier, or more t han one rheology modifier, such as an organ call v modified cJny in combination with a silica, can provide a benefit to the rheology of the compositions of the invention by increasing the viscosity of the compositions at process temperatures. When a silica, an organically mi dified cliv or both are used in an ointme nit or lotion type corn posit 1011, it is e xpc cte d that
15 they will increase the hardness of the composition and,
consequently, have a potentially negative effect on transfer of the oint muent to the skin. However, when a natural clay or
a synthetic analog of it natural clay is used in combination with an organically modified clay or a silica, there is an
20 unexpected, synergistic enhancement of the rheology of the
composition. The organically modified clay and silica assist the suspension of the natural clay synthetic analog of a natural clay in the compositions of flit invention. While the penetration hardness of the composition increases, the trans-25 fer of the composition is not affected clue to rheology enhancement and, in many instances, the transfer is increased. When a natural clay or symttltetic analog of a natural cliv is combined with an organically rrmodtihecl clay or a silica, a small amount of shear (such as rotihimig) will
30 unexpectedly cause the composition to become soft and to
spread easily. Therefore, when such a combination is used in the compositions of the invention, there is an improvement in the transfer of the composition from the hod ysicie liner of the article 10 the skin. Though these compositions provide 35 improved transfer from the liner to the skin, they remain stable on the hodyside liner under storage conditions. Natu-ral clays include rnommtmnorillonitc, hcntonite, beiclellitc, hectorire, siLpoflitC, stevenisite. magnesium aluminumsili-cate and similar clays. Synthetic analogs of natural clays,
40 such as LAPONITE synthetic clay available from Southern
Clay Products, Inc. of Gonzales, Tex. can also be used to provide the rheology henetit to compositions of the inven-tion when used in combination with organically no di lied clays or silica.
45 As will he described later in further detail, the composi-tions of the invention are suspected to improve the health of skin frequently occluded by absorbent articles through sev-eral mechanisms. One mechanism of action is believed to be the inhibition of enzymes present in the various forms of 50 biological insults, namely proteases and lipases. Through inhibition of such enzymes, the compositions can protect the skin harrier by "deactivating" those substances titirt can deteriorate the skin barrier. Another mechanism of action is believed to be interaction of the compositions with the rs stratum corneum to provide a protective barrier against irritant entrance. A further rnechaflisrri of action is believed to be a sut.icluing of the inflammatory response of the skin. 13cr_ri use several In tanicals and their extracts are believed to have an antioxidant effect, it is believed that they are capable
so of reducing and preventing inflammation of the skin.
In addition to the components already described, the compositions of the invention may also include active ingredients such as those ingredients that may he useful for treating skin irritations such as diaper rash. Examples of
ss such active ingredients include allantoin and its derivatives,
aloe, aluminum hydroxide gel, calamine, cocoa butter, cod liver oil, climcthieone, glycerin, kaolin and its derivatives,

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO DIVISION DE NUEVAS CREACIONES

2020

Abogado
DARIO CARDENAS NAVAS

ASUNTO

Patente de lnvenciôn

Via Nacional

Via PCT (fase naciorial)

Radicación 05-58259
TrÆmite 002
Evento 001
Actuaciôn430
Oficio T 4 3 9
Folios 003

] Patente de Modelo de Utilidad

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LII Cap.l F7 Cap. II H

Coma resultado del examen de fonda, realizado con fundamento en el articulo 45 de la DecisiOn 486 de Ia ComisiÆn dela Comunidad Andina, se le comunica:

1. Documentos estudiados

DescripciOn: Folios: 5 a 11 (originalmente radicada)
Folios: 69 a 74 (modificada)
Reivindicaciones: Folios: 12 a 15 (originalmerite radicadas)
Folios: 67 a 68 (modificadas)
Folios: 86 a 87 (modificadas 2da. Vez)
Prioridad: 28 de jun10 de 2004, MX PAIaI2004I006371

2. Objeto de Ia invención

La lnvenciôn se titula "USO DE ACEITES ESENCIALES EN ARTICULOS ABSORBENTES" (folio 1)

El problema planteado en esta solicitud consiste en desarrollar un material absorbente que proporcione un estado de bienestar en el usuario.

La solicitud en estudio presenta un material absorbente constituido par una capa superior, una inferior y una matriz absorbente localizada en medio de dichas capas, en donde la capa superior contiene una mezcla de aceites esericiales.

El objeto de la invenciôri se catalogO coma A61 15/46, A61 13/15 seg(in Ia ClasificaciOn Internacional de Patentes (IPC).

3. Determinación del Estado de la TØcnica

Considerando que la fecha de presentaciÆn de laprimera solicitud de patente de la

cual se reivindica prioridad es: 28 de jun10 de 2004, se buscaron documentos del estado de la tØcnica relacionados, con fecha de publicaciôn anterior a Østa.

Fecha de

NO Documento Titulo publicación
ABSORBENT ARTICLES WITH NON-
D2 US6749860 AQUEOUS COMPOSITIONS CONTAING 2002-09-26 BOTANICALS

4. AnÆlisis depatentabilidad (segün requisito) (articulo 14 D486)

Novedad (articulo 16 D486)

Respecto a la reivindicaciOn I

La reivindicación independiente 1 define un producto absorbente desechable constituido bàsicamente por una capa superior permeable, una capa inferior impermeable y una matriz absorbente colocada entre ambas capas superior e inferior, caracterizado porque la capa superior contiene una mezcla de aceites esenciales compuesta por al menos dos de los siguientes aceites esenciales: aceite de manzanilla, en una concentración de 0.1 a 10%
aceite de lavanda en una conceritración de 5 a 85%
aceite de geranio en una concentraciOn de 2 a 60%
aceite de ylang ylang en una concentración de 1 a 40%
aceite de eucalipto. en una concentraciôn de 0,5 a 25%

Respecto al estado de la tØcnica

D2 describe una composiciOn que provee beneficios asociados con la funciOn de barrera que incluye proteger la piel y disminuir la inflaciôn. Esta composición es particularmente benØfica cuando se usa en artIculos absorbentes tales como panales pantalones de incontinencia, productos de cuidado femenino (001 4 lineas 53-60). En uno de los aspectos de la invenciOn se permite la integración de la composicion directamente en la fibras del material usado en la superficie interna del absorbente (Col 5 lineas 20-26).
La composiciôn de la invención puede incluir cerca de 0.1 a 10% de uno o mÆs extractos botÆnicos activos tales como el de manzanilla (Col 7 linea 53). Esta composiciôn tambiØn incluye 0.1 a 95% de aceites y grasa naturales que pueden contener ªcidos grasos esenciales. Preferiblemente la composición se encuentra entre 5 a 75% de aceites y grasas naturales en los que se pueden incluir grasas, aceites, aceites esenciales, Æcidosgrasos alcoholes grasos, y mezclas de ellos (Col 8 lineas 52-61). Entre estos aceites y grasas se encuentran, aceite de manzanilla, aceite de eucalipto entre otros y mezcla de estos (Cal 9 lIneas 9-10)

Respecto a la solicitud en estudlo:

Es asI como D2 relaciona un articulo absorbente que contiene en la capa superior una composiciôn la cual utiliza el aceite de manzanilla (extracto botÆnico activo) en una concentraciOn entre 0.1 a 10% y el aceite de eucalipto (aceite natural) en una rango entre 10 a 50%, para proporcionar mejores benØficos a la piel que frecuentemente esta recubierta con el articulo absorbente (PÆg. 7 lineas 35-39).

q? MI-
De acuerdo con Co anteriormente expuesto, el articulo absorbente propuesto en la soficitud en estudlo ya era conocido en D2 ya que contiene al menos dos de los aceites esenciales reportados y en los rangos de concentraciOn reivindicados en Ca solicitud, por Co cual no puede considerarse novedoso.

En conclusiOn, la materia de invenciOn senalada en Ca solicitud en estudia se encuentra afectada en su novedad de acuerdo cone! articulo 16 de Ca DecisiOn 486.

S. Conclusion

Los requisitos de patentabilidad de Ca presente solicitud se encuentran afectados asI:

NQ Documenth RecacionesafectadasReqsito que afecta

D2 US6749860 1-11 LNovedad

6. Respuesta a los argumentos del solicitante

D2 muestra una composición que esta compuesta ademÆspor emolientes, agentes solidificantes (P. Fusion 35°C) y par al menos dos de los aceites esenciales reivindicados en la solicitud. Es asi coma esta formulación cumple el mismo efecto de absorciôn par la piel y/o el olfato de los aceites esenciales ya que estos se encuentran en las mismas concentraciones y con una temperatura mayor de 35°C como las que se presentan al entrar en contacto con piel del usuarlo y debido aumento de Ca temperatura interna dentro del articulo absorbente, esta composiciOn se encuentra en un estado semi-solido a Ciquido. Par Co tanto esta composición no solo brinda un efecto benØfico sina que realmente mejora a previene efectos inflamatorios en (a piel del usuarlo despuØs de largas jornadas de usa del articulo absorbente

En cumplimiento del artIculo 45 de Ca DecisiOn 486 de Ca ComisiOn de la Comunidad Andina, se le indica que debe dar respuesta dentro del tØrmino de 60 dias contados a partir de a fecha de notificaciôn de la presente comunicaciOn, En caso de no dar respuesta al presente requerimiento, 0 si a pesar de la respuesta subsistieran los impedimentos para Ca concesiOn, se denegarÆCa patente.

NotifIquese el presente aficlo conforme a Co dispuesto en el numeral 5.2, literal e), del capItulo quinto deltItulo primero de la Circular Unica N° 10 de 2001.

ALIX CARMJ/ ENZ CESPEDES DE VERGEL
Jefe de DivisiO de Nuevas Creaciones

El anterior requerimiento fue notificado por fijaciOn en lista, de fecha

CONCEPTO EXAM4ADOR TECNICO lPOOdiqo No.202090 1