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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad: 05-065326-00004-0000
Fec: 2006-07-06 17:08:32 Dep. 2020 NUECREACIONES
Tm. 11 PATENTE/II
Evo: 370 FASE NACIONAL II
Act. 1000 CREACIONES

Clarke, Modet & Cº

COLOMBIA

SEÑORES
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
E. S. D.

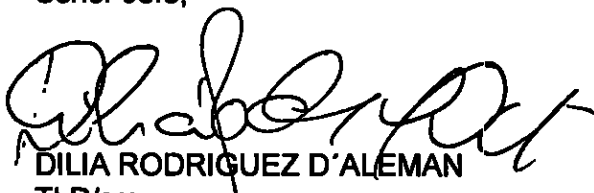
REF: SOLICITUD DE PATENTE EN COLOMBIA FASE NACIONAL
PCT/US/2003/036525 ✓
EXPEDIENTE No. 05065326 ✓
FECHA DE LA SOLICITUD: Julio 1, 2005
SOLICITANTE: GRAHAM PACKAGING COMPANY, L.P

ASUNTO: PRESENTACIÓN DE DOCUMENTOS.

DILIA RODRIGUEZ D'ALEMAN, en mi condición de apoderada de la sociedad solicitante en el expediente de la referencia, atentamente me permito dar alcance a mi memorial presentado el 18 de Enero de 2006 y en esta oportunidad allego el reporte del Examen Preliminar anunciado en dicho memorial.

Agradezco continuar con el presente trámite.

Señor Jefe,


DILIA RODRIGUEZ D'ALEMAN
TLR/srr
P- 651


PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
KEITH G. HADDAWAY
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

01 MAY 2006

Applicant's or agent's file reference

29953-192738

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/36525

14 November 2003 (14.11.2003)

04 December 2002 (04.12.2002)

Applicant

GRAHAM PACKAGING COMPANY, L.P.

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

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

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

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

Name and mailing address of the IPEA/US

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

Facsimile No. (571) 273-3201

Form PCT/IPEA/416 (July 1992)

Authorized officer

PHILIPPE S. DERAKSHANI

Telephone No. 703-308-0861

RECEIVE

MAY - 2 2006

VENABLE LLP MARKETING DEPARTMENT

COMPUTER UPDATED

5/2/06 ent hant

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 29953-192738	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US03/36525	International filing date (day/month/year) 14 November 2003 (14.11.2003)	Priority date (day/month/year) 04 December 2002 (04.12.2002)
International Patent Classification (IPC) or national classification and IPC IPC: B67D 3/00(2006.01),5/06(2006.01);B65D 35/56(2006.01) USPC: 222/105,107,521,529,530		
Applicant GRAHAM PACKAGING COMPANY, L.P.		

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 3 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 — 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 01 June 2004 (01.06.2004)	Date of completion of this report 11 April 2006 (11.04.2006)
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. (571) 273-3201	Authorized officer PHILIPPE S. DERAQSHANI Telephone No. 703-308-0861

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

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

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-10 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 11-16 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 1-7 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(c)).**

* 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.

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>28.29.36 and 37</u>	YES
	Claims <u>1- 27. 30-35. 38-48</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-48</u>	NO
Industrial Applicability (IA)	Claims <u>1-48</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1- 27, 30-35, 38-48 lack novelty under PCT Article 33(2) as being anticipated by Stoneberg et al (US 6,135,329).

Stoneberg et al show a cap comprising a sidewall (12), top (26), post (14), support structure (36) cap ring (68) and receiver piece (24).

Claims 28-29, 36 and 37 lack an inventive step under PCT Article 33(3) as being obvious over Stoneberg (US 6,135,329) et al in view of Reil (US 4,848,601).

Referring to claims 28 and 36, Stoneberg et al discloses a dispenser with a first end of the dispenser on a sidewall but does not disclose a dome between the dispenser sidewall and the receiver piece. Reil discloses a dome (2, fig 1) shape between the dispenser sidewall and receiver piece. t would have been obvious to have taken the dispenser of Stoneberg et al and have placed it on the container of Reil in order to hold the liquid before being dispensed as taught by Reil.

Referring to claims 29 and 37, Stoneberg et al discloses a dispenser but does not disclose the first end of the dispenser sidewall further comprises a hinged interconnection formed between the dome and the dispenser sidewall. Reil discloses a first end of the dispenser sidewall comprising a hinged interconnection formed between the dome (2) and the dispenser sidewall (24, fig 6).

It would have been obvious to one of ordinary skill in the art to have modified the dispenser of Stoneberg and added the hinge feature of Reil between the dome and dispenser sidewall as disclosed by Reil in order to allow air to pass into the space under cover as taught by Reil.

Claims 1-48 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 101

2020
Bogotá D.C.,

Doctor(a)
RODRÍGUEZ D'ALEMAN DILIA MARÍA
Apoderado(a) y/o Representante de
GRAHAM PACKAGING COMPANY, L.P.

REFERENCIA	Radicación No.	05 65326
	Solicitud internacional	US2003/036525
	Fecha inicio fase nacional	04/07/2005
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	2122
	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,

05 DIC. 2006


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

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