



No. 05-075424- -00004-0000

Fecha: 2007-09-26 17:01:55 Dep. 2020 NUECREACIONE
Tra. 11 PATENTEIYII Eve. 379 FASENACIONALI
Act. 538 PETICION Folios: 2

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Ref: Expediente No. 05-075.424

Solicitud de Patente de Invención titulada: "JARDINERA MODULAR CON SISTEMA DE EVACUACION DE AGUA, SOPORTE-ABRAZADERA DE UNION ENTRE MODULOS Y ADECUADO PARA LA UBICACIÓN DEL ELEMENTO DE ILUMINACION".

Solicitante: JOYRU, S.L.

SOLICITUD DE EXAMEN DE PATENTABILIDAD SEGÚN
EL ARTÍCULO 44 DE LA DECISION 486, GACETA No. 574

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, D.C., identificado tal como aparece al pie de mi firma, en mi condición de apoderado del solicitante, respetuosamente me permito solicitar que se examine si la invención reúne los requisitos de patentabilidad previstos en la misma, dando cumplimiento a lo establecido en el artículo 44 de la Decisión 486 de la Comisión de la Comunidad Andina. Adjunto recibo por el monto de \$404.000 pesos para cubrir la tasa correspondiente, según la Resolución 36155 del año 2006.

Atentamente,

CARLOS R. OLARTE
C.C. 79.782.747 de Bogotá
T.P. 74.295

Anexo: Recibo por \$404.000 pesos

59

60

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 05-075424- -00004-0000

Fecha: 2007-09-26 17:01:55 Dep. 2020 NUECREACIONE
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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 07 - 77,729
FECHA : SEPTIEMBRE 25 DE 2007

***** CONSIGNACION *****

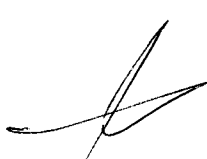
DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
OLARTE RAISBEK	CONSIGNACION	BANCO POPULAR	050-00110-6	68290540	25/09/2007	5,836,000.00

***** CONCEPTO *****

CANT.	CONCEPTO	TOTAL CONCEPTO
1 50005-01-01 SOLICITUDES	85 EXAMEN DE PATENTABILIDAD DE INVEN	404,000.00
	TOTAL :	\$ 404,000.00

SON: CUATROCIENTOS CUATRO MIL PESOS

RESPONSABLE :



DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 05-75424

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCION**

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **574** DE

FECHA **30 DE MARZO DE 2007** EL TÉRMINO HÁBIL SEÑALADO POR LA LEY

EXPIRA EL **03 DE JULIO DE 2007**

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



US005852895A

United States Patent [19]
Sinanan

[11] **Patent Number:** **5,852,895**
[45] **Date of Patent:** **Dec. 29, 1998**

[54] **RAISED PLANTER**

[76] **Inventor:** **Terry Sinanan**, 54-23 Kimberley Dr.,
Hamilton, Ontario, Canada, L8K 6N8

4,420,902 12/1983 Rayner 47/39 X
4,825,588 5/1989 Norman 47/66.1
5,664,367 9/1997 Huang 47/39 X

FOREIGN PATENT DOCUMENTS

601788 7/1960 Canada 47/48.5

[21] **Appl. No.:** **848,497**

[22] **Filed:** **May 8, 1997**

[51] **Int. Cl.⁶** **A01G 9/02**

[52] **U.S. Cl.** **47/33; 47/39; 47/48.5**

[58] **Field of Search** **47/33, 39, 48.5,**
47/66.1; 52/102; 404/7, 8

[56] **References Cited**

U.S. PATENT DOCUMENTS

2,115,868 5/1938 McIntosh 47/33 X
3,387,786 6/1968 Rynberk 47/33 X
3,865,309 2/1975 Greenhalgh 47/33 X
4,120,119 10/1978 Engel 47/66.1

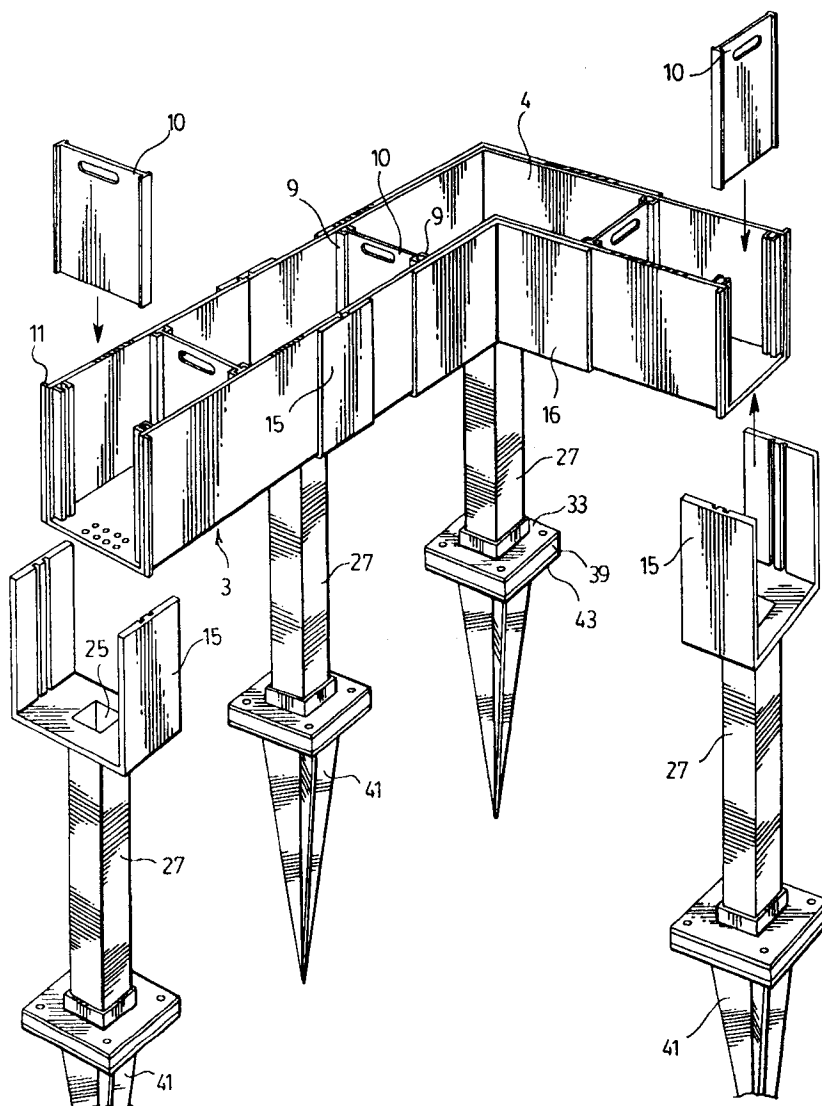
Primary Examiner—Michael J. Carone

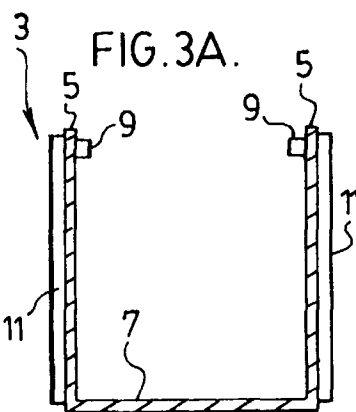
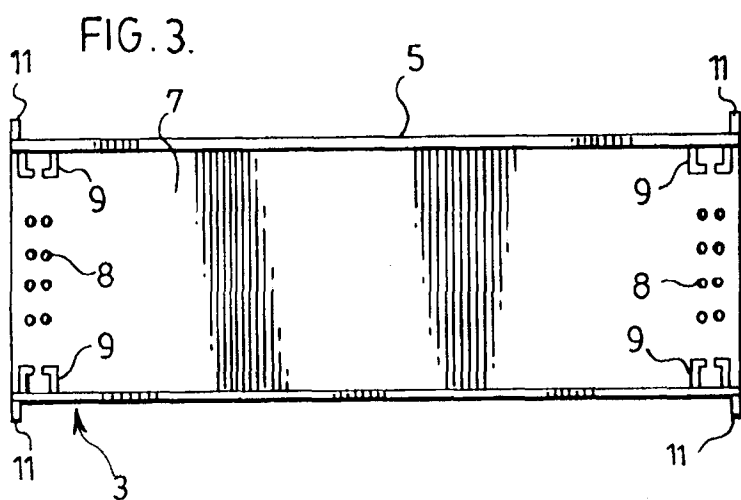
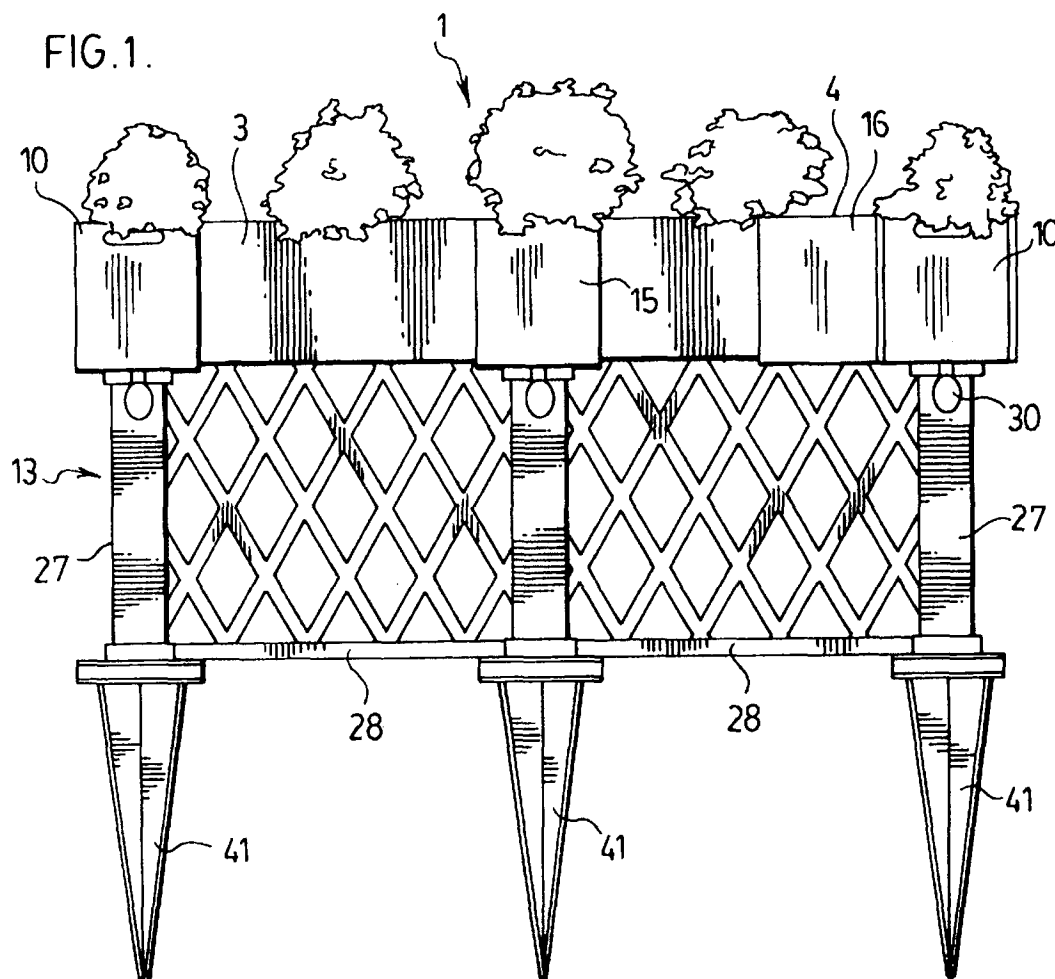
Assistant Examiner—Elizabeth Shaw

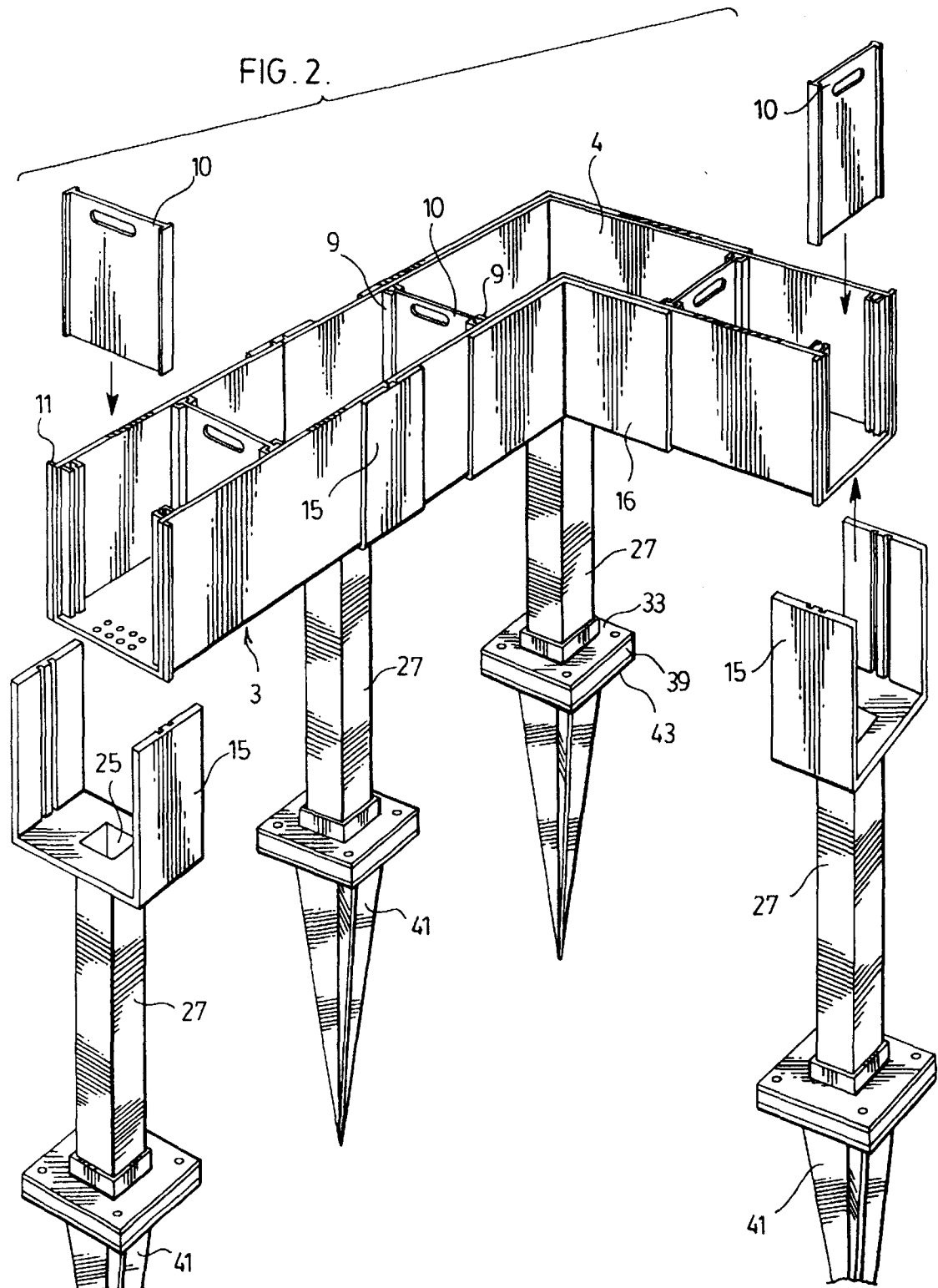
[57] **ABSTRACT**

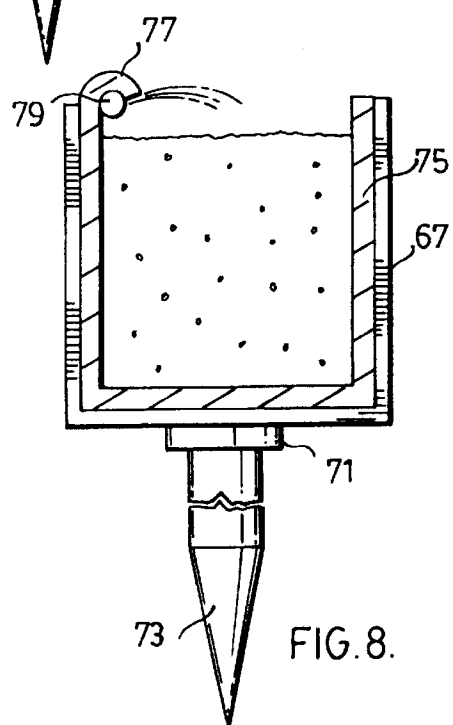
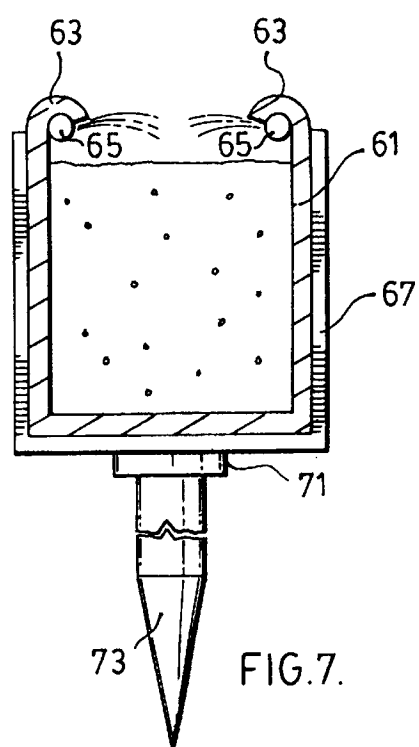
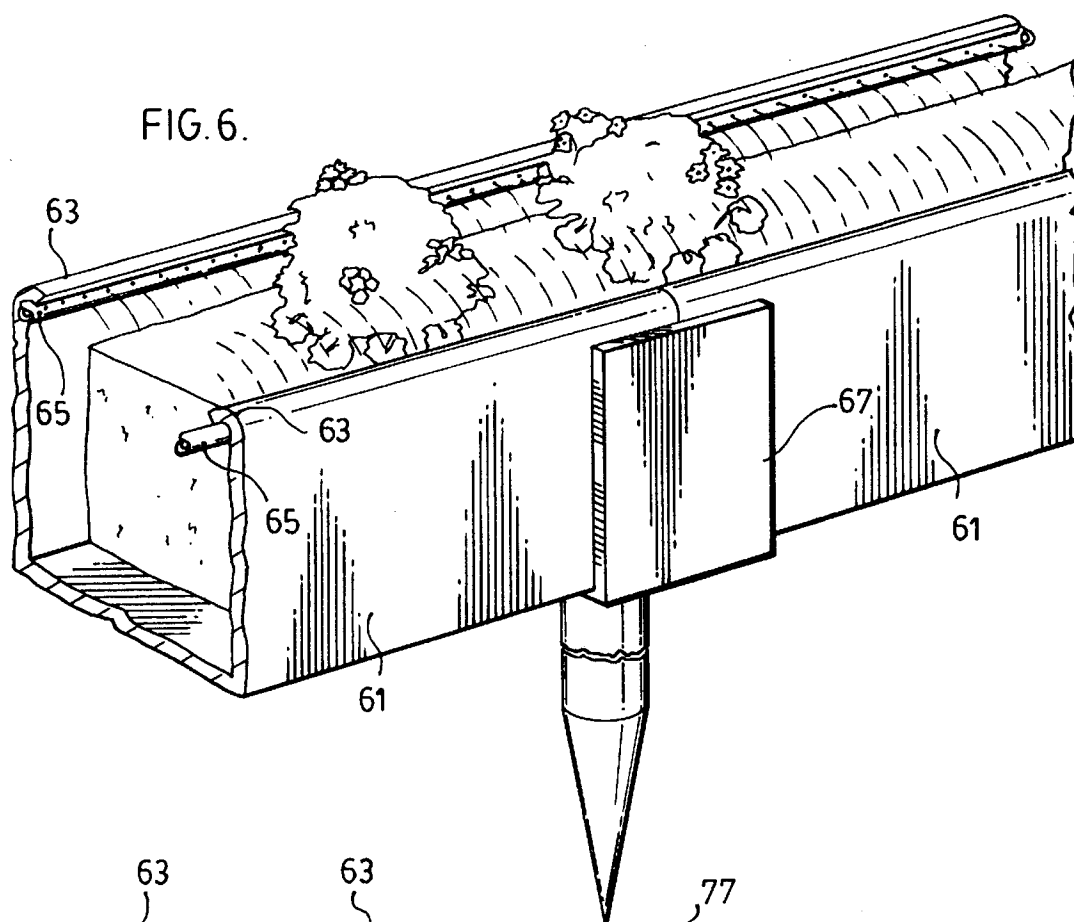
A planter assembly comprises a planter box and a support structure for the planter box. The support structure is formed by an elevating post, a base beneath the post and a planter box support atop the post. The post is releasably secured within the support structure which enables height adjustment trimming and then refitting of the post with the support structure.

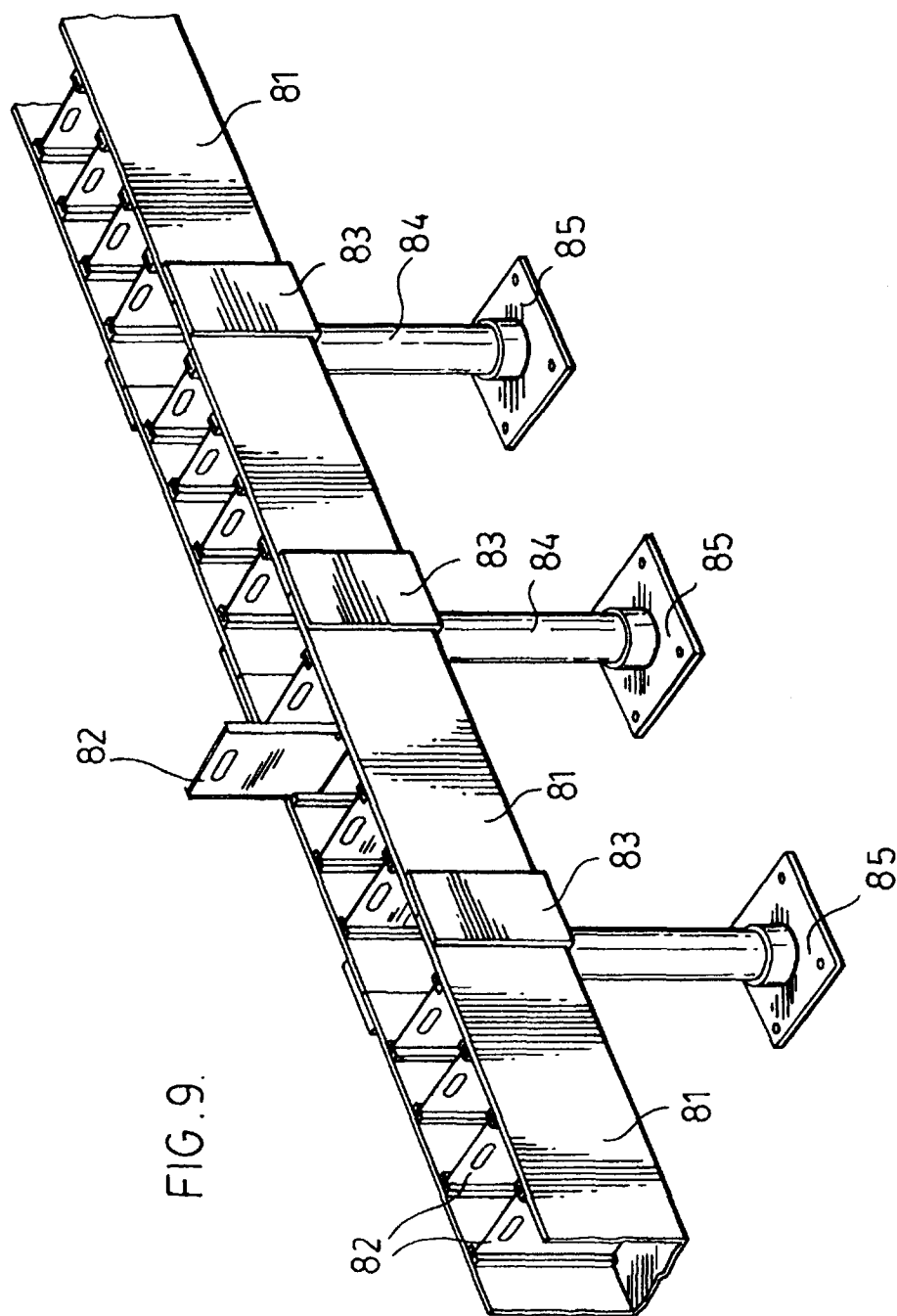
6 Claims, 5 Drawing Sheets











RAISED PLANTER

FIELD OF THE INVENTION

The present invention relates to an elevated multi-component planter assembly.

BACKGROUND OF THE INVENTION

A typical planter is in the form of a flower pot or an elongated box generally placed at ground level. In this position, users must kneel or bend over to get close to the plants and soil for watering, feeding, turfing soil, molding, transplanting and cleaning, which does not allow the user to work with the plants in a standing upright position.

It is also known to elevate planter boxes through which the use of hanger brackets. However, this requires a pre-installed railing or the like in order to receive the hanger bracket.

U.S. Pat. No. 5,511,342 describes a modular flower pot system. In this system, flower pots are stacked on top of one another to elevate the uppermost flower pot. The flower pots beneath the uppermost flower pot are of a fixed non-variable height which does not allow leveling of adjacent flower pots on a non-level supporting surface for the system.

SUMMARY OF THE INVENTION

According to the present invention, a planter assembly comprises a planter box and a support structure for the planter box. The support structure includes an elevating post, a base beneath the post and a planter box supported atop the post. Either the base or the support or possibly both, are releasable from the post. This enables the post to be trimmed to a desired height and then the base or the support, whichever one has been removed from the post, is refittable with the post after any such trimming or adjustments.

The planter assembly of the present invention lends itself particularly well to the building of a line of end to end planter boxes which can be leveled with one another even when working with an un-level supporting surface for the aligned planter boxes.

BRIEF DESCRIPTION OF THE DRAWINGS

The above as well as other advantages and features of the present invention will be described in greater detail according to the preferred embodiments of the present invention in which:

FIG. 1 is a front view of a plurality of planter assemblies put together with one another in forming a combination planter and fencing system according to a preferred embodiment of the present invention;

FIG. 2 is a partially exploded perspective view of the planter system of FIG. 1;

FIG. 3 is a top view of one of the individual planter boxes from the planter system of FIGS. 1 and 2;

FIG. 3A is an end view of the planter box of FIG. 3;

FIG. 4 is an exploded perspective view of one of the support structures from the planter system of FIGS. 1 and 2;

FIG. 5 is an exploded perspective view of a support structure according to a different preferred embodiment of the present invention;

FIG. 6 is a sectioned perspective view of a planter system according to a further preferred embodiment of the present invention;

FIG. 7 is an end view of the planter system of FIG. 6;

FIG. 8 is a sectional view through a planter system according to still a further preferred embodiment of the present invention;

FIG. 9 is a sectional perspective view of a planter system according to a further preferred embodiment of the invention.

DETAILED DESCRIPTION ACCORDING TO THE PREFERRED EMBODIMENTS OF THE PRESENT INVENTION

FIG. 1 shows a planter system generally indicated at 3. This system comprises a series of end to end planter boxes 3 and 4 held in an elevated position by a plurality of support structures 13 to provide a fence with plants along the top of the fence. The fence is completed with lights 30 and decorative panels 28 between the support structures beneath the planter boxes.

The fence of planter boxes as described above can be made to essentially any length and is designed with a corner configuration if desired as well shown in FIG. 2 of the drawings. More particularly, each planter box 3 has a U-shaped open top and open ended construction as seen in FIGS. 3 and 3A of the drawings. This construction comprises side walls 5 and a base wall 7 between the side walls. In the preferred embodiment as shown, the base wall may be provided with drainage openings 8 at either end of the planter box and may also be provided with internal receptacles 9 which are used to releasably secure slide in plates or dividers 10 for reasons to be described later in detail.

In the preferred embodiment, planter box 3 is additionally provided with small tabs 11 on the outside and to each end of the planter box.

The particular support structure 13 used in the FIG. 1 planter system is better shown in FIG. 4 of the drawings. This support structure comprises a post 27 with a planter box support 15 atop the post and a base 23 beneath the post. Again, according to the preferred embodiment, the support structure and the planter box are both made from a plastic material, e.g. PVC or the like.

The planter box support 15 like the planter box, has a U-shaped open ended configuration. The support is much shorter in length than the planter box and has a width such that the planter box fits snugly into the bracket-like support.

The support includes vertical side walls 17 and a base wall 21. In the preferred embodiment as shown, the vertical side walls are provided with a pair of side by side small grooves 19 to the inside of each side wall. The base is provided with a downwardly extending sleeve portion 23 and is open at 25 through the base to the sleeve portion.

Post 27 has a hollow profile with a central hollow region 29 and is of a uniform dimension for some distance at, at least, one end of the post and is preferably uniform over its entire length. This results in a key feature of the present invention to be described later in detail.

Base 31 is formed by a flat plate 33 having an upwardly extending sleeve 35. In the embodiment shown, the plate 33 which, like the rest of the assembly, preferably has a plastic construction sits atop a more rigid reinforcing platform 39. This platform may be made from a material such as a thick piece of wood or even a heavier material such as a slab of concrete or the like. Platform 39 is seated atop a ground spike 41 having an upper end plate 43 directly beneath platform 39. The stake will preferably have a metal construction.

The base assembly including plates 33 and 43 with platform 39 sandwiched between the two plates can be secured by mechanical fasteners as shown in FIG. 4.

As will be understood from the description above, the sleeve 23 of support 15 slides over the upper end of post 27 while the bottom end of the post slides into the sleeve 35 of plate 33. Alternatively, the upper and lower ends of post 27 may slide over support support 15 and sleeve 35. As a result, the post is detachably secured at both of its ends within the support structure such that if the post needs height adjustment, it can be trimmed at either end. Furthermore, because the post is of a uniform dimension for a good distance at each end of the post and in the case shown, uniform over its length, either one of the sleeves 23 and 35 can be refitted with the post after the post has been trimmed.

The above feature is important to the present invention when, for example, the planter assembly is used in combination with other planter assemblies to form a line of planters as shown in FIG. 1 on a non-level ground surface. Any leveling that is required from one planter box to the next can easily be made by trimming the appropriate post.

FIG. 5 of the drawings shows a modified planter box support structure 35. This support structure comprises a main post 51 which slides at its upper end into a sleeve 49 of a planter box support 47. The lower end of the post is slideably secured within a sleeve 55 of a base plate 53. The base plate in this support structure is secured by mechanical fasteners atop a very substantial platform 57. This platform does not include a ground spike but rather is designed to seat on a pre-formed supporting surface such as a wooden deck or a concrete patio. Platform 57 has sufficient weight and balance to hold the support structure from tipping.

It will be noted in comparing FIGS. 4 and 5 that although the two posts and the receiving sleeves for the posts have different cross sectional shapes, they are consistent in the fact that they are both cuttable and refittable within their respective support structures.

The support bracket 47 shown in FIG. 5, unlike the support bracket 15 of FIG. 4, does not include any small interior grooves again for reasons to be described later in detail.

In the description above, reference has been made to the height adjustability of the support structure for forming a line of planter boxes. In some cases, the planter boxes may be set up individually and closed at their opposite ends to provide separated planter boxes. However, even if the planter boxes are separated from one another and if the supporting surfaces for the separated planter boxes are at different heights, the planter boxes themselves can easily be set up such that they are level with one another by an appropriate height adjustment to any one of the supporting posts for the separated planter boxes.

When working with a one to one situation, where there is a support structure for each planter box, supporting brackets would be positioned at the ends of the planter box. The planter box would be firmly held in the brackets as a result of the snug fit between the planter box and the brackets. In this type of set up, there is no need for the internal grooves within the support brackets.

FIG. 2 shows a line of planter boxes with associated support structures and having a corner configuration in that line of planter boxes. This corner configuration includes a corner planter box 4 having an open ended L-shape. This corner box is held by an L-shaped support bracket 16 which fits to support post 27 in a manner identical to any one of the support brackets 15.

In an end to end line of planter boxes as shown in FIG. 2, each planter box rather than being supported centrally, is held at each end by a support bracket. In the preferred

embodiment as shown, the opposite ends of each planter box are as earlier described provided with external lips 11 which are slideably fitted into the grooves 19 within the support brackets 15. This prevents the end to end planter boxes from sliding out of the brackets and separating from one another.

It is also possible to use a non-grooved support bracket such as support bracket 47 and to secure the ends of adjacent planter boxes directly to one another through a suitable adhesive or the like.

As also earlier described, each of the planter boxes is provided with internal receptacle 9 which receive slide in plates 10. These plates can be used as either internal dividers or as end stops for the planter boxes. Accordingly, the line of planter boxes can be extended to any desired length and then easily terminated with an end plate. The support bracket at the end of a line of planter boxes can be positioned such that the lips 12 on the planter box fit into the internal grooves of the support bracket or according to the set up as shown in FIG. 2, the support bracket can be positioned such that it is essentially flush with the end of the planter box. In this case, the lips 11 on the planter box sit directly against and are trapped along the outer edge of the support bracket preventing the planter box from sliding off of the support bracket. Also, the end plate may be removed for the line of planter boxes to be extended and the new open end may be capped with the end plate.

When the plates 10 are used as internal dividers, they have a two-fold purpose. Firstly, they reinforce against outward bowing of the side walls of the planter box under the weight of soil and plants placed in the planter box. In addition, the dividers provide different compartments within each planter box. These compartments do not necessarily have to be used for planting but rather can be used for storage or receiving decorative articles other than plants and situated between different planting regions. When adjacent compartments are used as separate planting regions, the plants in one region can be worked with and even removed without disturbing the plants and the root growth in the adjacent compartment because of the dividers.

Another feature of the preferred embodiment of the present invention is that water drainage is provided from the planters through the support structure. As earlier noted, the base wall 7 of the planter box is provided with drainage openings 8 which locate above the opening through the base wall of the support bracket. The water is then able to drain down through the hollow post to the drainage openings at the base of the support structure. This provides drainage without the water having to drip in an uncontrolled manner from the planter.

FIGS. 6 and 7 show a further preferred feature of the present invention in which a plurality of planter boxes 61 are placed end to end with one another. The meeting ends of adjacent planter boxes 61 are held together at a support bracket 67.

The upper edges of the side walls of each planter box 61 are inwardly turned or rolled as indicated at 63 to receive a pair of hose-like conduits 65. These conduits which continue along the length of aligned planter boxes are provided with perforations to provide a spray from a pressure source fed through the conduits. One of the conduits may be hooked up with a supply of water while the other conduit may be hooked up to a fertilizer supply to provide watered fertilizing of the plants within the line of planter boxes.

A slightly modified arrangement is shown in FIG. 8 whereby only one edge 77 of a planter box 75 is rolled to receive a single perforated conduit 79. In this case, the

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

2020
Bogotá, D.C.

Doctor(a)
CARLOS R. OLARTE
Apoderado.

ASUNTO	Radicación	05-075424
	Trámite	011
	Evento	379
	Actuación	430
	Oficio	6259
	Folios	11

Patente de Invención	☒	Patente de Modelo de Utilidad	☐
Vía Nacional	☐		
Vía PCT (fase nacional)	☒	Cap. I	☐
		Cap. II	☒
No. Sol. Internacional		PCT/ES2003/000059	
Fecha de Presentación Internal.		2003-01-31	

Como resultado del examen de fondo, realizado con fundamento en el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

1. Documentos estudiados

Descripción:	Folios: 06 - 16
Reivindicaciones:	Folios: 21 - 24
Dibujos:	Folios: 25 - 32
Prioridad:	No se presentó prioridad por parte del solicitante.

El peticionario presentó una solicitud de examen de patentabilidad de acuerdo con lo estipulado por el artículo 44 de la Decisión 486. (Folios 59-60)

2. Objeto de la invención

La presente solicitud fue titulada originalmente: "Jardinera modular con sistema de evacuación de agua, soporte abrazadera de unión entre módulos y adecuado para la ubicación de elementos de iluminación" folio 1.

De acuerdo con el texto de la descripción, los dibujos y las reivindicaciones, el objeto de la presente solicitud es proporcionar una "jardinera la cual permita el acoplamiento de varios módulos para formar una única jardinera cuando el trazado sea diferente

disminuyendo a la vez el peso de estas por el material de que está hecha y añadiendo elementos de fijación para poder acoplar elementos de iluminación de las plantas en crecimiento. Adicionalmente se proporciona una evacuación del agua sobrante procedente del riego, por encima de la superficie del suelo o del apoyo". (Folio 7).

Por lo anterior para solucionar este problema la presente solicitud trata de proporcionar: reivindicaciones 1- 10, folio 21-24.

IPC: A01G09/02, A01G09/20.

3. De la solicitud de Patente

3.1. Reivindicaciones (artículo 30 D 486)

- Se sugiere que se anexe un nuevo capítulo reivindicatorio definitivo, donde se eliminen elementos subrayados o tachados para evitar confusiones en su lectura. Adicionalmente se debe especificar la reivindicación 1 ya que es muy general y no presenta en forma concisa lo nuevo que se está aportando a la tecnología, ni define las características que lo hacen diferente de lo ya existente. Las reivindicaciones deben definir técnicamente la forma, la disposición, ubicación, constitución de cada una de las partes y como se acoplan entre sí para conformar el sistema y lo hagan diferente de los sistemas de jardineras modulares existentes y por lo tanto son fácilmente afectables con documentos que hacen parte del estado de la técnica, se sugiere citar con números de referencias específicos los elementos que en conjunto se considerarían novedosos en el dispositivo de cierre

4. Determinación del Estado de la Técnica

Teniendo en cuenta que la fecha de solicitud es el 2005-08-01, se encontró el siguiente documento relevante:

N°	Documento	Contenido	Fecha de Publicación
D1	US5852895 Inventor y solicitante: Terry Sinanan	Raised planter (Maceta para plantación)	1998-12-29

Documento(s) anexo(s) en los folios 62-68.

5. Análisis de patentabilidad (artículo 81 D486)

5.1. Novedad (artículo 16 D486)

Respecto a la solicitud en estudio se estudiará la reivindicación independiente 1 que se encuentra en el folio 21, y lo cual se soporta por medio de la siguiente figura:

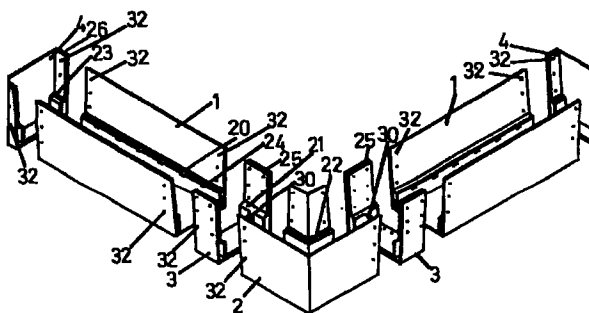


FIGURA 1

Respecto al estado de la técnica D1 divulga un montaje de sembradora con una caja de maceta y una estructura de apoyo para la caja de la maceta. La estructura de apoyo está formada por una elevación posterior, un poste debajo de la base y un apoyo de sembradora encima del poste de la caja. El poste es reubicable garantizando dentro de la estructura el apoyo que permite la regulación de la altura de recorte y, a posteriormente, reposición del poste con dicha estructura de apoyo.

Teniendo en cuenta tal y como se plantea la reivindicación 1, además, de acuerdo al estado de la técnica establecido en el numeral 4, el documento más cercano es: el documento D1, con el cual se plantea la siguiente tabla comparativa de características reivindicadas dando a entender que las contiene (SI) o que no las contiene (NO).

REIVINDICACION 1	D1
1) Jardinera modular con sistema de evacuación de agua, soporte-abrazadera de unión entre módulos, adecuado para la ubicación del elemento de iluminación, y tapa de cierre colocada en los extremos de los módulos. Todo el conjunto forma la jardinera única, adecuada para la instalación del sistema de auto-riego,	SI Un sistema de módulos 3 y 4 que tiene soportes de abrazadera 15 con tapas de cierre 10, con un sistema de drenaje 8 y una instalación para riego 63 y 65, que en conjunto forman una jardinera que sirve para irrigación de plantas. Figuras 1-3, 6-9 folios – y descripción columna 2 renglón 25 junto con la columna 4 renglones 40-50 folios 62-66.
2) caracterizado porque está configurada por módulos longitudinales con o sin reforzamiento, módulos angulares, soportes-abrazaderas de unión entre los módulos, abiertos, cerrados o una combinación de ellos, los soportes cerrados o anillar tienen la superficie superior preparada para el posicionamiento de la base de los elementos de iluminación, y las tapas para el cerramiento lateral de los módulos.	SI Módulos longitudinales y angulares 3 y 4, con cerramientos laterales 10 y soportes abrazaderas 15, todo el conjunto dispuesto para ser adecuado con luz solar o artificial. Figuras 1-3, 6-9 folios 62-68.
3) Todos los ensambles que se realizan con los distintos elementos para formar la jardinera única, se complementan con el apriete de la tornillería a través de los orificios que existentes en los extremos de todas las piezas (módulos, soportes y tapas), para obtener un conjunto sólido y de gran estanqueidad.	SI Emplea elementos de fijación para compuertas 9 elementos deslizantes 11 en los extremos de todas las piezas para obtener un conjunto sólido. Y fijando tornillería en las bases 85 para su estabilidad. Figuras 1-3, 6-9 folios 62-66

Se puede concluir de la anterior tabla, que en la solicitud presentada las características 1-3, se encuentran contenidas en el documento D1 de manera idéntica ya que se sugiere una jardinera con los elementos descritos como son: módulos longitudinales y angulares, abrazaderas, drenaje de agua, elementos de unión entre módulos, fijación de tornillo como complemento del montaje y adecuado para adecuar iluminación artificial o natural, por lo que permitiría afirmar que la reivindicación 1 de la presente solicitud NO es novedosa. Por lo tanto no cumpliría con lo expuesto en el artículo 16 de la Decisión 486 de la Comunidad Andina de

Naciones. Lo anterior limita el estudio del siguiente requisito de nivel inventivo correspondiente al nivel inventivo. Se recomienda anexar el nuevo capítulo reivindicatorio totalmente a parte a la respuesta del solicitante.

6. Conclusión:

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

Nº	Documento	Reivindicaciones Afectadas	Requisito que Afecta
D1	US5852895	1-10	NOVEDAD

En cumplimiento del artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le indica que debe dar respuesta dentro del término de sesenta días contados a partir de la fecha de notificación de la presente comunicación. En caso de no dar respuesta al presente requerimiento, o si a pesar de la respuesta subsistieran los impedimentos para la concesión, se denegará la patente.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo quinto del título primero de la circular única N° 10 de 2001.


ALIX CARMENZA CÉSPEDES DE VERGEL

Jefe de División de Nuevas Creaciones.

El anterior requerimiento fue notificado por fijación en lista, de fecha 12 de mayo de 2015

CONCEPTO TÉCNICO No. 1448	EXAMINADOR TÉCNICO Código No. 202083
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