

Bogotá D.C.,
2020

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

RAD. 05-102552--0011 0001 Fecha: 2009-09-23 12:43:42
DEP: 20 NUECREACIONES
TRA: 11 PATENTEIYII EVE: 323 ANUALIDADES
ACT: 440 RESPUESTA Folios: 2

Doctor(a)

RAISBECK J. IAN
DIAGONAL 34 NO. 5-28
BOGOTA D.C.

Asunto: Radicación: 5 102552
Trámite: 11
Evento: 323
Actuación: 440
Folios: 2

Apreciado(a) doctor(a):

En atención al contenido de las comunicaciones relacionadas con el expediente citado en el asunto, adjunto le remito la certificación con la información de los pagos de la(s) tasa(s) de mantenimiento del certificado de Pct-patente de Invención Capítulos I Y II número 168.

Es de anotar que la aplicación de los pagos se hace de acuerdo a la fecha de presentación y al período solicitado en tal escrito. En el caso de presentar en la casilla período/estado: PENDIENTE APLICACIÓN O DESGLOSE; se solicita informe a esta oficina si desea que sea aplicado para el siguiente período, de ser así, deberá manifestarlo por escrito como complemento de información a la anualidad. Lo anterior debe hacerse de acuerdo a lo dispuesto en el artículo 80 de la Decisión 486/00 y la resolución de tarifas vigente.

En el evento de no aceptar la aplicación indicada en el párrafo anterior, si lo estima conveniente podrá solicitar por escrito el desglose del(los) mencionado(s) pago(s).

Atentamente,



MARIA CONSUELO CASIJ REY
Secretaría General Ad Hoc



RAD.:5 102552

Secretaría General Ad Hoc**CERTIFICA**

Que de conformidad con lo dispuesto en el artículo 80 de la Decisión 486 de la Comisión de la Comunidad Andina y las resoluciones de las tasas aplicables; se allegaron los siguientes recibos oficiales de caja, correspondientes a las tasas de mantenimiento del certificado de Pct-patente de Invención Capítulos I Y II número 168:

Recibo	Fecha Radicado	Presentado Por	Período o Estado (AAAA/MM/DD)
9-38780	2009/05/27	RAISBECK J. IAN	2009/03/27 al 2010/03/27

Se expide en Bogotá D.C., a los 23 días del mes de Septiembre de 2009

MARIA CONSUELO CASIJ REY

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brehmer et al. 4,717,496, Goldberg 6,475,619 or British Shoe Machinery Ltd. WO 94/03211, in view of Gaku et al. 4,820,769, Oien 5,525,663 or Lees et al. 2006/121225, with Reith 4,939,036 as evidence.**
3. The rejection is maintained in view of the "Response to Arguments" below.

Response to Arguments

4. Applicant's arguments filed 6/30/08 have been fully considered but they are not persuasive. In Brehmer et al. applicants used a compound which had PVC ground up as filler, not chalk or wood flour. This makes the comparison meaningless. **Two apples do not equal three onions.** Goldberg's solution to manufacture materials for shoe stiffening materials is immaterial. Applicants' claims are directed to composition which is a hot melt adhesive. The intended use has no patentable significance. In the case of the WO 94/03211 patent applicants compare the viscosity with the inventive melt viscosity. It is apples and onions again. The molecular weight is not claimed and not less than 10,000 and at least 30,000 encompass 80,000. As far as the secondary references are concerned, applicants argue against the references individually, but one cannot show non-obviousness by attacking references individually where the rejections are based on a combination of references. See In re Keller, 208 USPQ 871 (CCPA

1981); In re Merck & Co. 231 USPQ 375 (Fed. Cir. 1986). Gaku et al. and Oien are cited to show typical processing steps for a hot melt adhesive, while Lees et al. is introduced to show that grinding an adhesive to a specific particle size is obvious. This is an obviousness rejection not an anticipation rejection. Finally, while none of the references cited show the calcium carbonate particle size in the range claimed by applicants, (the particle size of Brehmer et al. is too coarse, the one of Goldberg's is too fine), Reith proves that a multitude of particle sizes can be used in hot melt adhesives. See column 7, lines 64-66, column 14, lines 13-17, column 16, lines 21-25 and column 17, lines 29-30. For hot melt adhesives, see claim 1.

5. The anticipation rejection imposed in the previous Office action is withdrawn by the examiner.

Specification

6. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

SCORING METODOLOGIAS DE VALORACION DE MARCAS (FMM)

METODOLOGIA (0-25-50-75-100%)	CALIDAD DATOS	CANTIDAD DATOS	DISPERSION ESTADISTICA	CORRELACION SECTOR ECO	PREMISA VALOR	OBJETIVO VALORACION	SCORE PARCIAL
COSTO REPRODUCCION	75%	50%	75%	100%	100%	100%	500%
COSTO DE REPOSICION	0%	0%	25%	100%	100%	100%	325%
MULTIPLO - PRECIO / EBITDA	100%	50%	100%	100%	100%	100%	550%
MULTIPLO - PRECIO / VENTAS	100%	25%	50%	100%	100%	100%	475%
MULTIPLO - PRECIO / UNIDAD	25%	25%	25%	25%	100%	50%	250%
PREMIUM PRECIOS	25%	25%	25%	100%	100%	100%	375%
ECONOMIAS DE ESCALA	100%	50%	75%	100%	100%	100%	525%
UTILIDAD OPERACIONAL COMPARABLE	75%	50%	25%	100%	100%	100%	450%
FLUJO DE CAJA DESCONTADO	75%	50%	100%	100%	100%	100%	525%
REGALIAS DE MERCADO	75%	50%	50%	100%	100%	100%	475%
VALORACION POR RESIDUO	100%	100%	100%	100%	100%	100%	600%

SELECCIÓN DE METODOLOGIAS DE VALORACION DE INTANGIBLES SEGÚN OBJETIVO DE VALORACION

METODOLOGIA (0-25-50-75-100%)	MARCA FMV	MARCA VENTA	PATENTES PROPIEDAD INTELLECTUAL	MARCA LIQUIDACION	FORMACION DE INTANGIBLES	ADQUISICION DE MARCAS	OTROS
COSTO REPRODUCCIÓN	100%	25%	100%	100%	100%	0%	100%
COSTO DE REPOSICION	100%	25%	100%	100%	100%	0%	100%
MULTIPLO - PRECIO / EBITDA	100%	100%	25%	0%	100%	0%	0%
MULTIPLO - PRECIO / VENTAS	100%	100%	75%	0%	100%	0%	0%
MULTIPLO - PRECIO / UNIDAD	100%	100%	25%	0%	100%	0%	0%
PREMIUM PRECIOS	100%	25%	25%	0%	100%	0%	0%
ECONOMIAS DE ESCALA - MARGEN BRUTO	100%	25%	75%	0%	100%	0%	0%
UTILIDAD OPERACIONAL COMPARABLE	100%	25%	25%	0%	100%	0%	0%
FLUJO DE CAJA DESCONTADO	100%	100%	0%	0%	100%	100%	100%
REGALIAS DE MERCADO	100%	75%	50%	0%	100%	0%	0%
VALORACION POR RESIDUO	100%	100%	0%	0%	100%	100%	0%

Application/Control Number: 10/517,678
Art Unit: 1796

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Szekely/
Primary Examiner, Art Unit 1796

/P. S./
Primary Examiner, Art Unit 1796
9/2/08

Notice of References Cited	Application/Control No. 10/517,678	Applicant(s)/Patent Under Reexamination WILDING ET AL.	
	Examiner Peter Szekely	Art Unit 1796	Page 1 of 1

U.S. PATENT DOCUMENTS					
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,939,036 A	07-1990	Reith, Robert A.	428/349
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS					
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS					
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U				
	V				
	W				
	X				

* A copy of this reference is not being furnished with this Office action. (See MPEP § 707.02(b).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



(11) EP 1 525 284 B1

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(12) EUROPÄISCHE PATENTSCHRIFT

(45) Veröffentlichungstag und Bekanntmachung des
Hinweises auf die Patenterteilung:
13.06.2007 Patentblatt 2007/24

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C09J 167/04 (2006.01) C08K 3/00 (2006.01)
C09J 123/08 (2006.01) C09J 175/04 (2006.01)

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(22) Anmeldetag: 27.03.2004

(86) Internationale Anmeldenummer:
PCT/EP2004/003300

(87) Internationale Veröffentlichungsnummer:
WO 2004/090061 (21.10.2004 Gazette 2004/43)

(54) THERMOPLASTISCHES VERSTEIFUNGSMATERIAL FÜR DIE SCHUHERSTELLUNG UND EIN VERFAHREN FÜR SEINE HERSTELLUNG

THERMOPLASTIC STIFFENING MATERIAL USED FOR MANUFACTURING SHOES, AND A METHOD FOR THE PRODUCTION THEREOF

MATERIAU RIGIDIFIANT S'UTILISANT DANS LA FABRICATION DE CHAUSSURES ET PROCEDE DE PRODUCTION CORRESPONDANT

(84) Benannte Vertragsstaaten:
AT BE BG CH CY CZ DE DK EE ES FI FR GB GR
HU IE IT LI LU MC NL PL PT RO SE SI SK TR
Benannte Erstreckungsstaaten:
AL LT LV MK

(30) Priorität: 11.04.2003 DE 10316617

(43) Veröffentlichungstag der Anmeldung:
27.04.2005 Patentblatt 2005/17

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(56) Entgegenhaltungen:
EP-A-0 183 912 WO-A-94/03211
US-A-3 778 251 US-A-4 717 496

Bemerkungen:
Die Akte enthält technische Angaben, die nach dem Eingang der Anmeldung eingereicht wurden und die nicht in dieser Patentschrift enthalten sind.

Anmerkung: Innerhalb von neun Monaten nach der Bekanntmachung des Hinweises auf die Erteilung des europäischen Patents kann jedermann beim Europäischen Patentamt gegen das erteilte europäische Patent Einspruch einlegen. Der Einspruch ist schriftlich einzureichen und zu begründen. Er gilt erst als eingelegt, wenn die Einspruchsgebühr entrichtet worden ist. (Art. 99(1) Europäisches Patentübereinkommen).

4. Verstärkungsmaterial nach Anspruch 1, dadurch gekennzeichnet, dass der Füllstoff Kreide mit einer Korngröße von 45 µm ist.
5. Verstärkungsmaterial nach Anspruch 1, dadurch gekennzeichnet, dass die Oberflächenklebrigkeit (Tack) des Heißschmelzkleber / Füllstoff Compounds einen Wert von 25 bis 45 N aufweist.
6. Verstärkungsmaterial nach Anspruch 1, dadurch gekennzeichnet, dass die Längendehnung des Heißschmelzkleber / Füllstoff Compounds kleiner als 20 % gemessen bei Temperaturen von 90 °C beträgt.
7. Verfahren zur Herstellung des thermoplastischen Verstärkungsmaterials für die Schuhherstellung in Form eines Heißschmelzkleber / Füllstoff Compounds, nach Anspruch 1, dadurch gekennzeichnet, dass der Heißschmelzkleber Anspruch 1, dadurch gekennzeichnet, dass der Heißschmelzkleber aufgeschmolzen wird und der Füllstoff mittels einer Dosiereinrichtung in die heiße Schmelze unter Rühren und Kneten eingetragen wird, dabei die Feuchtigkeit und austretende Gase mittels einer Entgasungseinrichtung abgesaugt werden und die so entstandene plastische Masse weiterhin einer Vakuumentgasung unterworfen wird und die so behandelte plastische Masse der Weiterverarbeitung zugeführt wird.
8. Verfahren zur Herstellung des thermoplastischen Verstärkungsmaterials für die Schuhherstellung in Form eines Heißschmelzkleber / Füllstoff Compounds, nach Anspruch 1, dadurch gekennzeichnet, dass das Heißschmelzkleber / Füllstoff Compound granuliert wird, das Granulat erneut aufgeschmolzen wird und anschließend durch Extrusion oder Kalandrieren zu einer Flachfolie weiterverarbeitet wird.
9. Verfahren zur Herstellung des thermoplastischen Verstärkungsmaterials für die Schuhherstellung enthaltend das Heißschmelzkleber / Füllstoff Compound nach Anspruch 1, dadurch gekennzeichnet, dass das Heißschmelzkleber / Füllstoff Compound als Rohstoff in Spritzgussmaschinen zu Verstärkungsteilen weiterverarbeitet wird.
10. Verwendung des Heißschmelzkleber / Füllstoff Compounds nach Anspruch 1 in Form eines feinen Pulvers mit einer Korngrößenverteilung von 50 bis 1000 µm zur Herstellung von Flachfolie, die zur Konfektionierung von Verstärkungsteilen eingesetzt wird.
11. Verwendung des Heißschmelzkleber / Füllstoff Compounds nach Anspruch 1 in Form eines feinen Pulvers mit einer Korngrößenverteilung von 50 bis 1000 µm zur Herstellung von dreidimensionalen Verstärkungsteilen
12. Schuhe enthaltend ein Verstärkungsmaterial gemäß den Ansprüchen 1 bis 11.

Claims

1. Thermoplastic reinforcement material for shoe manufacturing in the shape of a hot-melt adhesive/filler compound, wherein it consists of
 - a. one or several hot-melt adhesives (n) in an amount ranging from 50 to 95 weight percentages, the MVR value (measured at 100°C, 21.6kg according to DIN ISO 1133) assuming values ranging from 2 to 300, preferentially 10 to 20cm³/10 minutes, and of
 - b. one or several filler substances in amounts ranging from 50 to 5 weight percentages which do not dissolve in the hot-melt adhesive and the hot-melt adhesive/filler compound simultaneously fulfill the following parameters:
 1. MVR value between 2 and 6, preferentially 3 to 5cm³/10 minutes
 2. Surface tack of at least 10N to 60N at maximum measured at 65°C according to DIN EN 14610
 3. Adhesive resistance/peel strength of upper material and lining of at least 30N/5cm, measured by adopting DIN 53357 standard.
 4. Maximum length extension of 25%, measured after keeping the compound for 5 minutes in a hot cabinet at a temperature of 90°
2. Thermoplastic reinforcement material for shoe manufacturing in the shape of a hot-melt adhesive/filler compound in accordance with Claim 1, wherein the Component a, the hot-melt adhesive, a mixture of 1. a linear polyester in amounts ranging from 75 to 95 weight percentages, and/or a thermoplastic urethane in amounts ranging from 75

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to 95 weight percentages in mixture with 2. an ethylene vinyl acetate copolymer in amounts ranging from 0 to 25 weight percentages including a vinyl acetate content of 10 to 40 weight percentages and the filler in amounts of 50 to 5 weight percentages is selected from the group of inorganic, mineral filling substances, organic vegetable filler substances, artificial substances, and their mixtures, which have either the shape of spherical, polygonal particles with a grain-size distribution ranging from 45 to 1,000µm or the shape of fibers with a length of 45 to 1,000µm.

3. Reinforcement material in accordance with Claim 1, wherein the filling material is wood meal with a grain-size distribution ranging from 45 to 500µm.
4. Reinforcement material in accordance with Claim 1, wherein the filling material is chalk with a grain size of 45µm.
5. Reinforcement material in accordance with Claim 1, wherein the surface tack of the hot-melt adhesive/filler compound displays a value of 25 to 45N.
6. Reinforcement material in accordance with Claim 1, wherein the elongation of the melt adhesive/filler compound is less than 20%, measured at temperatures of 90°C.
7. Method to produce the thermoplastic reinforcement material for shoe manufacturing in shape of a hot-melt adhesive/filler compound in accordance with Claim 1, wherein the hot-melt adhesive is melted and the filler is added to the hot melt with the aid of a metering unit under stirring and kneading, the moisture and liberated gases are withdrawn by a degasification device, the plastic mass thus created is subjected to further degasification under vacuum, and the plastic mass thus treated is led to further processing.
8. Method to produce the thermoplastic reinforcement material for shoe manufacturing in shape of a hot-melt adhesive/filler compound in accordance with Claim 1, wherein the hot-melt adhesive/filler compound is granulated, the granulate is remelted and then further processed to a flat film either by way of extrusion or calendaring.
9. Method to produce the thermoplastic reinforcement material for shoe manufacturing containing the hot-melt adhesive/filler compound in accordance with Claim 1, wherein the hot-melt adhesive/filler compound is further processed in injection die molding machines to yield reinforcement parts.
10. Use of the hot-melt adhesive/filler compound in accordance with Claim 1 in the shape of a fine powder with a grain-size distribution ranging from 50 to 1,000µm for the production of flat films which are applied in the standardized manufacturing of the reinforcement parts.
11. Use of hot-melt adhesive/filler compound in accordance with Claim 1 in the shape of a fine powder with a grain-size distribution ranging from 50 to 1,000µm for the production of three-dimensional reinforcement parts.
12. Shoes containing a reinforcement material in accordance with the Claims 1 to 11.

Revendications

1. Matière thermoplastique de rigidification destinée à la fabrication de chaussures se présentant sous la forme d'un compound colle thermofusible/matière de charge, caractérisée par le fait
 - a. qu'elle se compose d'une ou de plusieurs colle(s) thermofusible(s) dans une quantité comprise entre 50 et 95 parties-poids, que la valeur MVR (indice volumique de fluidité) (mesurée à 100° C, 21,5 kg selon DIN ISO 1133) varie de préférence entre 10 et 20 cm³/10 min et
 - b. d'une ou de plusieurs matière(s) de charge dans des quantités comprises entre 50 et 5 parties-poids, lesquelles ne se dissolvent pas dans la colle thermofusible et que le compound colle thermofusible/matière de charge remplit simultanément les paramètres suivants:
 1. Valeur MVR comprise entre 2 et 6, de préférence 3 à 5 cm³/10 min
 2. Adhérence en surface/tack mesurée selon DIN EN 14610 à 65° C d'au moins 10 N à 60 N au maximum.
 3. Valeur de collage/résistance au pelage/ envers le dessus et l'intérieur d'au moins 30 N/5 cm mesurée conformément à DIN 53357.
 4. Dilatation longitudinale de 25 % au maximum, mesurée après 5 m d'entreposage dans une étuve à des