Clarke, Modet & Cº
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ESCOBAR - URIBE ASOCIADOS
Intellectual Property

86

As. 2912/PCT.

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
No. 06-002221- -00004-0000
Fecha: 2007-11-08 16:25:06 Dep: 2020 NUECREACIONE
Usu: 11 PATENTEIYII Eve: 379 FASENACIONALII
Act: 578 PETICION Folios: 2

Ref.: Expediente No. **06-002.221**
Solicitud de Patente a nombre de
JOHNSON & JOHNSON INC.

Yo, **JIMENA ESCOBAR URIBE**, identificada como aparece al pie de mi firma, domiciliada en Bogotá, en la Carrera 11 No. 86-53, piso 6, obrando como apoderada de la sociedad **Johnson & Johnson Inc.,** con domicilio en Montréal, Quebec, Canadá, solicitante de la patente de la referencia, pido a usted que se proceda a examinar si la invención, cuya patente se tramita en el expediente de la referencia, es patentable.

Adjunto al presente memorial el recibo No. 07 - 87,042 de 23 de octubre de 2007, por la suma de $404.000.oo, con lo cual queda cubierta la tasa oficial correspondiente a dicho estudio.

Señor Superintendente,

JIMENA ESCOBAR URIBE
C.C.39.779.452 de Usaquén
T.P. 68.228

87

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 07 - 87,042
FECHA : OCTUBRE 23 DE 2007

***** C O N S I G N A C I O N *****

POSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO POPULAR	050-00110-6	71030061	23/10/2007	26,261,000.00

***** C O N C E P T O *****

CANT.	RENTISTICO	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 : _____

RECIBO DE CAJA APLICADO AL EXPEDIENTE No._____

324

2912

2

87

Industria y Comercio
SUPERINTENDENCIA

DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 06-02221

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

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **577** DE

FECHA **29 DE JUNIO DE 2007** EL TÉRMINO HÁBIL SEÑALADO POR LA LEY

EXPIRA EL **27 DE SEPTIEMBRE 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____

PCT WORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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08/007,207 22 January 1993 (22.01.93) US

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(81) Designated States: AU, BB, BG, BR, BY, CA, CN, CZ, FI, HU, JP, KP, KR, KZ, LK, LV, MG, MN, MW, NO, NZ, PL, RO, RU, SD, SK, UA, UZ, VN, European patent (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).

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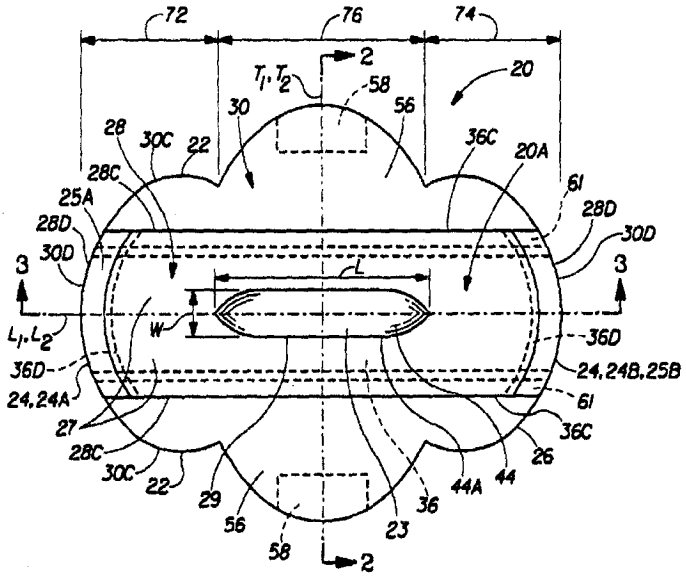
(54) Title: GENERALLY THIN, FLEXIBLE, SANITARY NAPKIN WITH CENTRAL ABSORBENT HUMP



(57) Abstract

A generally thin, flexible sanitary napkin (20) capable of handling medium to high menstrual flows which has a central absorbent hump (44) is disclosed. The hump (44) comprises a longitudinally-oriented elongated medial absorbent hump that projects from the body surface (20A) of the sanitary napkin. The sanitary napkin preferably has surrounding absorbent regions (27) outboard of the hump with a caliper of less than or equal to about 5 millimeters. The sanitary napkin preferably has a caliper at the point of maximum amplitude of the hump that is greater than twice the caliper of the surrounding regions. The hump preferably has a caliper of at least about 0.15 inch (about 3.5 - 4 millimeters). The longitudinal central region of the sanitary napkin preferably has a flexure-resistance that is greater than that of the surrounding regions.

Absorbent Article" patent applications incorporated by reference in Section 4E below.

D. The Absorbent Hump.

The longitudinally-oriented elongated absorbent hump ("absorbent hump", or "hump") 44 on the body surface 20A of the sanitary napkin 20 is shown in Figures 1-3.

The hump 44 is particularly useful in fitting into the space between the wearer's labial tissue. [redacted] to [redacted] adjacent the space between the labial tissue to more readily intercept menses and other bodily discharges when they leave the wearer's body. The hump 44 may be of such a size that it also at least partially fits against or in the wearer's perineum. Since the hump 44 will be in close proximity to the wearer's body, it should preferably be relatively soft. The hump 44 should preferably be capable forming a good fit and conforming to the shape of the space defined by the inwardly-facing surfaces of the wearer's labia majora.

The hump 44 may be at least partially comprised of (that is, it may be formed by) portions of one or more of the components of the sanitary napkin 20. The hump 44 can be formed by portions of one or more of any of the following components: the topsheet 28, the absorbent core 36, the backsheet 30, or any additional layers described herein that lie between the topsheet 28 and the backsheet 30. Alternatively, or additionally, the hump 44 can be at least partially formed by a hump-forming element such as that designated 44' in the drawings.

The hump 44 is preferably at least partially absorbent. The hump 44 is considered to be "absorbent", for the purposes of the present invention, if any portion of the hump 44 is absorbent. It is not necessary that all portions of the hump 44 be absorbent,

however. For instance, the hump 44 will be considered to be "absorbent" even when the topsheet 28 comprises a formed film that is not inherently absorbent itself, as long as one of the underlying components that forms the hump 44 is absorbent.

The hump 44 is "longitudinally-oriented" and "elongated". The terms "longitudinal" and "longitudinally-oriented", as used herein, mean that the hump 44 is oriented so that its largest dimension is oriented in the longitudinal direction. The term "elongated", as used herein, means that the hump 44 is long in proportion to its width. The hump 44 has its own longitudinal and transverse centerlines L_2 and T_2 (shown in FIG. 1). (When the hump-forming element 44' defines the shape of the hump 44, the hump-forming element 44' will generally also have longitudinal and transverse centerlines of its own. These are typically the same as those of the hump 44.)

The location or position of the hump 44 is shown in FIG. 1. The hump 44 is centered on top of the body surface 20A of the sanitary napkin 20. In such a case, the longitudinal and transverse centerlines of the hump L_2 and T_2 coincide with the principal longitudinal and transverse centerlines L_1 and T_1 of the sanitary napkin 20. The hump 44 may alternatively be positioned in other embodiments so that it is offset from either the principal longitudinal or transverse centerlines of the sanitary napkin 20. Preferably, the hump 44 is at least generally centered about the principal longitudinal centerline L_1 of the sanitary napkin 20. (That is, the hump 44 is central or "medial", or midway between the longitudinal edges 22 of the sanitary napkin 20). This enables the hump 44 to be positioned into the space between the wearer's labial tissue. The hump 44, however, does not have to be centered relative to the principal transverse centerline T_1 of the sanitary napkin 20. The hump 44 may, for instance, be offset from the principal transverse centerline when the sanitary napkin is asymmetrical about the principal transverse centerline. Preferably, however, at least part of the hump 44 is sufficiently centered relative to the principal transverse

centerline that part of the hump 44 is located in the central region 76 of the sanitary napkin 20. The term "central region" refers to a transverse section of the sanitary napkin. (The term "central region" is distinguishable from the term "longitudinal central region" 23 used herein. The term central region is defined in U.S. Patent 4,690,680 issued to Higgins on September 1, 1987.)

The hump 44 can be of any shape provided it at least partially fits into the space between the wearer's labial tissue. The hump 44 can be either symmetrical or asymmetrical about its longitudinal and transverse centerlines L_2 and T_2. In the preferred embodiment shown in FIGS. 1-3, the hump 44 is symmetrical about both. (When discussing the shape of the hump 44, it should be understood that when a hump-forming element 44' is used, the shape of the absorbent hump 44 will generally be similar to that of the hump-forming element 44'. There are situations when the shapes of the hump 44 and the hump-forming element 44' will differ somewhat, however. As one example, when the hump-forming element 44' is cylindrical, because certain components of the sanitary napkin 20 will be draped over the hump-forming element 44', the hump 44 may only take the shape of the upper portion of the cylindrical shape.) Some suitable shapes are described below.

The plan view shape of the hump 44 (that is, the shape of the absorbent hump 44 when viewed from directly above when the sanitary napkin 20 is in its flat, laid out condition) is shown in FIG. 1. The plan view shape of the hump 44 can be cigar-shaped (shown in FIG. 1), rectangular, oval, or some other suitable shape.

The transverse cross-sectional shape of the hump 44 is shown in FIG. 2. The hump 44 has sides which are slightly concave inward which taper to a rounded top surface. The hump 44 could, alternatively, be "box-shaped" so that it has a generally rectangular transverse cross-section. In still other

alternatives, the hump 44 could have a cross-section that is semi-circular (for instance, if the hump-forming element 44' is cylindrical). Alternatively, the transverse cross-sectional shape could be parabolic, triangular, in the shape of a modified rectangle that has straight side edges and a rounded top, or any other suitable shape. In still other alternatives, (as shown in FIGS. 7-9) the sides of the hump 44 could be concave outward.

The longitudinal cross-section of the absorbent hump 44 can also take various different shapes. These include, but are not limited to shapes in which the hump 44 is generally rectangular is longitudinal cross-section (for instance, if the hump-forming element 44' is rectangular or cylindrical), and those in which the hump 44 is tapered. FIG. 3 provides an example of a hump 44 which is tapered from its transverse centerline T_2 toward both ends of the hump 44.

The hump 44 has a longitudinal dimension (length) L, a transverse dimension (width) W, and a vertical or z-direction dimension ("thickness" or "height") T. (These are shown in FIGS. 1 and 2.) The length L of the hump 44 is measured longitudinally from the most outboard point at the base 44A of the hump on one end of the hump to a similar point on the other end of the hump 44. The width W of the hump 44 is generally measured transversely from the most outboard point on one side of the hump 44 to a similar point on the other side of the hump 44.

The portions of the sanitary napkin at the base 44A of the hump used for the foregoing measurements are located at those places where there is a visible change in direction or degree of curvature or height in the plane defined by the surrounding regions 27. It should also be understood that if the transverse cross-sectional shape of the hump 44 is tapered, the width of the hump 44 may vary between the top of the hump to the base of the hump 44. The hump 44 may, therefore, have different widths (and other dimensions) depending on the portion of the hump 44 that is measured. For instance, the width can be measured using two

points which lie in the plane of the base 44A of the hump. Alternatively, the width can be measured in any other plane which cuts through the hump 44 and is parallel to the plane of the base of the hump 44.

The height T of the hump 44 is the perpendicular distance from the top surface of the topsheet 28 at the base 44A of the hump 44 to the point of maximum amplitude 44C' on the top 44C of the hump 44. The caliper of the hump 44 also includes the thickness of portions of the sanitary napkin which lie under the hump.

The dimensions of the hump 44 can vary between certain limits. The preferred dimensions of the hump 44 are provided below. In some cases, these dimensions may be expressed in terms of the dimensions of the hump-forming element 44'. This may be done because it may be easier to measure the dimensions of such an element. Any of the following dimensions which are expressed in terms of the dimensions of the exterior dimensions of the hump 44 may, thus, also be used as approximations of the dimensions of the hump-forming element 44' and vice versa. If a hump-forming element 44' is used, however, the exterior dimensions of the hump 44 will generally be slightly greater than the dimensions of the hump-forming element 44'. The exterior dimensions of the hump 44 differ from those of the hump-forming element 44' by the thickness of the components of the sanitary napkin that overlay the hump-forming element 44' and by any additional thicknesses created when these components are positioned or "draped" over the hump-forming element 44'.

The length L of the hump 44 can range from between about 0.75 inch (about 2 cm.) to the length of the absorbent core 36. (The length of the absorbent core 36 can, for example, be about 8 inches (about 20 cm.) to about 8.5 inches (about 22 cm.).

Preferably, the length L of the hump 44 is between about 1.5 inches (about 4 cm.) and about 6 inches (about 15 cm.), and more preferably, is between about 1.5 inches (about 4 cm.) and about 4 inches (about 10 cm.), and most preferably is between about 1.5 inches (about 4 cm.) and about 3 inches (about 7.5 cm.). With regard to the length of the hump 44, it should be noted that it is believed that the sanitary napkin 20 will perform better when the length of the hump is shorter than some of the lengths specified above at the high ends of the ranges. The preferred lengths are in the range of between about 1 or 1.5 inches (about 2 or 4 cm.) to about 4 inches (about 10 cm.). More preferred lengths are between about 4 cm. to about 10 cm. A particularly preferred length for the hump is between about 3 cm. and about 8 cm with a length of about 2 3/4 inches (about 7 cm.) being especially preferred. These typically work better because the hump will fit more completely in the space between the wearer's labial tissue and in the perineal groove. The embodiments having humps 44 longer than these lengths, while still operable, are less preferred because they represent further departures from structures which fit entirely within the space between the wearer's labial tissue and perineal groove.

The width W of the hump 44 may be as great as between about 1/4 inch (about 0.5 cm.) and about 2 inches (about 5 cm.), and is more preferably between about 3/8 inch (about 1 cm) to about 2 inches (about 5 cm.), and more preferably still is between about 3/8 inch (about 1 cm.) and about 1 3/4 inches (about 4.5 cm.) at the base, and most preferably is between about 3/8 inch (about 1 cm.) and about 1 1/2 inch (about 4 cm.). The dimensions of the hump 44 will often decrease from the base 44A of the hump to the top 44C of the hump 44. When the hump 44 tapers from the base 44A to the top 44C as shown in FIG. 2, the top 44C of the hump 44 may resemble the top of a ridge and have a very small width at the point of maximum amplitude 44C'. The dimensions of the portions of the hump 44 above the base 44A, particularly (the width of) those portions that comprise the upper half of the hump 44, may more closely approximate the dimensions of the hump-forming

element 44 (described below) than the dimensions of the lower half of the hump. (The "upper half" of the hump refers to those portions spaced greater than or equal to 1/2 T from the base.) That is because these portions of the hump 44 are more likely to be the portions of the hump that at least partially fit into the space between the wearer's labia. In still other alternative embodiments, the size of the base of the hump 44 could also be within the ranges of dimensions given below for the hump-forming element 44'.

The caliper of the portions of the sanitary napkin 20 containing the hump 44 can be measured at different portions of the hump 44. Preferably, the caliper of the hump 44 is measured at the point of maximum amplitude. The caliper of the point of maximum amplitude 44C' of the hump 44 is greater than that of the surrounding regions 27. The caliper of the sanitary napkin 20 at the point of maximum amplitude 44C' of the hump 44 is preferably [redacted] regions [redacted] (The point of maximum amplitude 44C' is typically located along the longitudinal centerline of the hump 44.) [redacted] more preferably between about 4 millimeters and about 15 millimeters, still more preferably between about 5 millimeters and about 10 millimeters, and most preferably between about 5 millimeters and about 8 millimeters. [redacted]

The sanitary napkin (as discussed above) may have a hump 44 that is at least partially formed by a hump-forming element 44'. The hump-forming element 44' not only partially forms the hump 44, it may also provide extra absorbency in the target region of the sanitary napkin 20 (the region where menses and other bodily discharges are typically deposited).

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

2020
Bogotá, D.C.,

Doctora
JIMENA ESCOBAR URIBE
Abogada

ASUNTO		
	Radicación	06-2221
	Trámite	011
	Evento	378
	Actuación	430
	Oficio	11126
	Folios	03

Patente de Invención	X	Patente de Modelo de Utilidad			
Vía PCT (fase nacional)	X	Cap.I	X	Cap. II	

No. Sol. Internacional PCT/CA2004/000850
Fecha de Presentación Internal. 10 de Junio de 2004

1. Documentos estudiados

Descripción:	Folios: 8 a 36	como se radicó inicialmente
Reivindicaciones:	Folios: 37 a 43	como se radicó inicialmente
Figuras:	Folios: 44 a 50	como se radicó inicialmente
Prioridad:	US 10/460,003 12 de junio de 2003	

2. Objeto de la invención

Titulo de la invención:
Toalla sanitaria delgada que tiene protuberancias (folio 1)

El problema planteado en esta solicitud es como obtener una toalla higiénica delgada con la capacidad de absorber rápidamente las descargas de fluidos exudados del cuerpo y que de la impresión a la usuaria de un mayor espesor.

Para solucionar este problema técnico se desarrolla una toalla higiénica delgada con protuberancias.

Clasificación internacional (IPC) en A61F13/15

3. De la solicitud de Patente (según el caso)

Reivindicaciones (artículo 30 D 486)

- Los términos "por lo menos", "pluralidad" y "aproximadamente" utilizados en las reivindicaciones 1, 2, 4, 8, 9, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27 y 28 para denotar los rangos de varias características del articulo absorbente, no proporcionan precisión ni concisión, es así que deben eliminarse de las respectivas reivindicaciones.

Por lo anterior, el capítulo reivindicatorio no cumple con el requisito de claridad de acuerdo al art. 30 de la Decisión 486.

4. Determinación del Estado de la Técnica

La fecha para determinar el estado de la técnica es el 23 de diciembre de 2003, de acuerdo al la fecha de prioridad invocada.
Tendiendo en cuenta la anterior fecha indicada, se realiza la búsqueda de las anterioridades de la presente solicitud, encontrándose los siguientes documentos relevantes:

Nº	Documento	Título	Fecha de publicación
D1	WO9416658	GENERALLY THIN, FLEXIBLE, SANITARY NAPKIN WITH CENTRAL ABSORBENT HUMP	1994-08-04

5. Análisis de patentabilidad (según requisito) (artículo 14 D486)

Novedad (artículo16 D486)

Respecto a la reivindicación 1:

La reivindicación 1 dice "Un artículo absorbente sanitario que está destinado a utilizarse contra la región pudenda de una usuaria, dicho artículo absorbente sanitario tiene un espesor que es igual o menor a 5 mm, y comprende una superficie que hace contacto con el cuerpo, la cual tiene por lo menos una protuberancia, en donde dicha protuberancia tiene una altura H y un ancho equivalente W; en donde H es por lo menos aproximadamente 0.5 mm y una relación de ancho a altura en la escala de aproximadamente 2 a aproximadamente 10.".

Respecto al estado de la técnica:

D1 describe una toalla sanitaria delgada y flexible capaz de manejar medio y alto flujo menstrual, debido que tiene un protuberancia central absorbente (44). La toalla higiénica delgada tiene un espesor en el punto máximo de amplitud de la protuberancia entre 3 y hasta 15 mm (Pág. 25 párrafo 3) donde dicha protuberancia flexible sobresale de la superficie que hace contacto con el cuerpo (20 A) (Pág. 9 párrafo 4). La protuberancia tiene una dimensión longitudinal (longitud) L, una dimensiona trasversal (ancho) W y una dimensión vertical o en dirección –z ("espesor" o "altura") T (Pág. 22 párrafo 3) donde la altura es mayor dos veces el calibre de la regiones circundantes (27) de la toalla sanitaria. Los rangos de L son 4 a 15 cm, de W 0.5 a 5 cm (Pág. 24) y T puede se calculada sustrayendo el calibre de las regiones circundantes 27 en la base 44A de la protuberancia del calibre de la protuberancia (Pág. 25 párrafo 2) Ver figura 2.

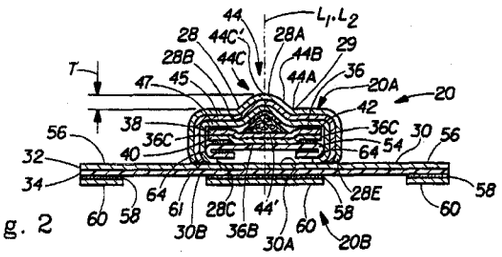

Fig. 2

Respecto a la solicitud en estudio:

De acuerdo a lo descrito en D1 se observa que el espesor de la toalla higiénica es mayor dos veces que el espesor del de la región circundante, es decir la región circundante tiene un espesor como máximo de la mitad del espesor de la toalla, es así como el rango mínimo de la altura de la protuberancia es 1.5 a 7.5 mm. La relación W/H es de 3 a 6, pudiendo ser mayor ya que depende de cuantas veces es mayor el espesor de la toalla higiénica que el de la región circundante.

Dado el análisis anterior y a lo descrito en D1, se concluye que las características técnicas esenciales del artículo absorbente sanitario descrito en la solicitud, ya eran conocidas en el estado de la técnica. Por lo tanto la reivindicación 1 y sus dependientes no son nuevas.

6. Conclusión

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

N°	Documento N°	Reivindicaciones afectadas	Requisito que afecta
D1	WO9416658	1-30	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 60 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 02 OCT. 2009

CONCEPTO TÉCNICO	EXAMINADOR TÉCNICO
N° 3097	Código N° 202090

ARL