

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. S. D.

REF.: Expediente No. 06 002.294 - Solicitud de Patente FASE NACIONAL

Corresp. a la Solicitud Internacional PCT/US2004/021135.

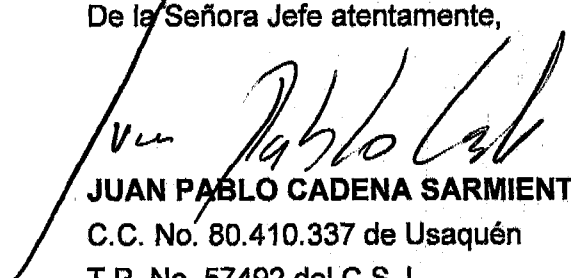
a nombre de: **COLGATE-PALMOLIVE COMPANY.**

Titulada: COMPOSICIÓN LIMPIADORA DE LA PIEL ANHIDRA.

JUAN PABLO CADENA SARMIENTO, vecino de Bogotá, portador de la tarjeta profesional No. 57492 del Consejo Superior de la Judicatura, obrando como apoderado de la Sociedad **COLGATE-PALMOLIVE COMPANY**, según lo acredita el documento de poder presentado en esa División, manifiesto a usted que ASUMO el conocimiento de las diligencias que se adelantan bajo el expediente de la referencia, ratifico lo actuado por el doctor Martín E. Torres Cardozo y de acuerdo con el Artículo 44 de la Decisión 486 de la Comisión de la Comunidad Andina, me permito solicitar que se examine si la invención contenida en la solicitud en referencia es patentable.

De acuerdo con lo anterior, me permito anexar el recibo oficial de caja No. 07-67,224 por valor de \$404.000.

De la Señora Jefe atentamente,


JUAN PABLO CADENA SARMIENTO

C.C. No. 80.410.337 de Usaquén

T.P. No. 57492 del C.S.J.

Cra 7 No. 71-21 Torre B, Piso 4

Bogotá, 18 de diciembre de 2007

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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***** CONSIGNACION *****

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***** CONCEPTO *****

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81

DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 06-02294

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

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.

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ning of each regular issue of the PCT Gazette.

WO 01/85103 A1

(54) Title: ANHYDROUS SKIN CLEANSERS

(57) Abstract: Anhydrous skin cleansers, preferably in the form of gels, comprise water-immiscible emollient oil; oil-gelling agent that is water-insoluble and oil-insoluble; emulsifying agent that forms an emulsion in situ on the skin when the skin cleanser is gradually contacted with a relatively small amount of water during use; and water-soluble, substantially crystalline abrasive material that is insoluble in the anhydrous skin cleanser vehicle. The anhydrous skin cleanser gels remove oily and water-soluble soils from the skin in a cosmetically aesthetic manner. Preferred skin cleanser gels form cleanser emulsions in situ, on the skin during use that can be removed from the skin with water.

ANEYDROUS SKIN CLEANSERSCross-Reference to a Related Application

This application claims the benefit of U.S. Provisional Application Serial No. 60/202,409 filed on May 8, 2000.

Technical Field of the Invention

This invention relates generally to cosmetic preparations for application to the skin and in particular to anhydrous preparations for cleansing the skin.

Background of the Invention

The formulation of skin cleansers and polishers present numerous challenges for the cosmetic chemist. In order to cleanse the skin, a combination of skin oils, sebum, sweat, makeup and environmental dirt must be removed. In many cases the use of an abrasive additive is also required to enhance the cleaning. These abrasives can also serve as a polishing agent by removing rough skin flakes and thereby smoothing the skin surface. All of these functions must be performed while at the same time leaving the skin in good condition.

It is well known that many of the surface-active agents (such as soaps and synthetic detergent bars) normally used to clean skin can leave the skin overly dry. They can be too aggressive in removing the oily soils off the skin and in so doing, remove vital skin oils and water-soluble natural humectants necessary for good skin health. They are also not very efficient in removing many types of makeup residues.

The use of aqueous based skin cleansers can remove water-soluble soils and easily solubilized oils, but are often less efficient in removing greasy soils and makeup

ingredients that are difficult to solubilize off the skin surface. They also can dry out the skin.

Oil-in-water emulsion cleansers, while milder on the skin, are generally not very good in removing many cosmetic and makeup residues that contain water-insoluble waxes and other difficult to dissolve generally water-insoluble organic residues. Water-in-oil emulsions tend to be much more effective than oil-in-water emulsions in solubilizing and removing oily soils and greasy residues, but are generally inferior in cleansing water-soluble soils. Moreover, water-in-oil emulsions sometimes can be irritating to the skin and, if not vigorously rubbed or washed off, can often leave an unwanted oily residue on the skin.

Prior attempts to improve the efficacy of aqueous skin cleanser systems have been made by the inclusion of abrasive materials. Abrasive materials can significantly contribute to the cleaning ability by removing superficial skin cells thereby smoothing or polishing the skin surface. However, the choice of the right particle size for these abrasives creates a dilemma. A coarse particle size may provide some measure of increased abrasive cleaning power but also increases the risk of scratching the skin surface. A fine particle size may provide some smoothing and polishing of the skin surface but generally is less effective in soil removal.

Prior attempts have been made to overcome the foregoing problems of aqueous emulsions by employing anhydrous skin cleansers. Anhydrous skin cleansers, sometimes called waterless cleansers, typically contain high concentrations of water-insoluble solvents, which makes them generally effective at removing oily soils from the skin, but less effective in removing water-soluble soils. Further, anhydrous skin cleansers

removing abrasiveness without irritating or scratching the skin. Thus, the beneficial and desirable cleansing efficacy normally attributed to both anhydrous cleansers, water-in-oil emulsions and oil-in-water emulsion are achieved in a single formulation vehicle without the attendant negative afterfeel on the skin typically associated in the prior art with the usage of the individual foregoing cleanser vehicles.

10 Description of the Preferred Embodiment

The term "substantially anhydrous", and "anhydrous" are used interchangeably herein to refer to skin cleanser composition having not more than about 5 weight percent free water content on a total composition weight basis. With reference to substantially crystalline abrasive material, the term "free water content" does not include water of crystallization. The term "substantially anhydrous", as applied to abrasive materials, denotes water-soluble, particulate abrasive materials having a particle size sufficient to abrasively remove soil and cellular debris from the skin without scratching or irritating the skin. The term "substantially dry" as applied to skin as used herein means that the skin has not been topically moistened or wetted with externally applied water and does not include moisture naturally present in the skin or on the skin from perspiration.

The novel anhydrous skin cleanser is preferably in the form of a non-runny gel comprising, on a total compositions weight basis:

	<u>Ingredients</u>	<u>Weight percent</u>
	a) Water-immiscible emollient oil.	about 30 to about 90
5	b) Oil-gelling agent that is both water-insoluble and oil-insoluble.	about 1 to about 20
10	c) Emulsifying agent capable of forming an emulsion, <i>in situ</i> , on the skin when a small amount of water is added to the anhydrous formulation during use.	about 1 to about 15
15	d) Substantially crystalline abrasive material that is water-soluble and substantially insoluble in the anhydrous formulation vehicle.	about 1 to about 60
20	e) Cosmetic adjuvants (e.g. fragrance, color, preservatives, antioxidants, keratolytic agents, pH adjusting agents and the like).	optional

25 With regard to preferred ingredients, those skilled in the cosmetic formulation arts are familiar with cosmetically acceptable ingredients and optional cosmetic adjuvant ingredients conventionally employed and commercially available from numerous sources. A
30 comprehensive listing of cosmetic ingredients and suppliers can be found in the International Cosmetic Ingredient Dictionary, ("INCI Dictionary") Sixth Edition, published by the Cosmetic, Toiletry, and Fragrance Association, Washington, D.C. (1995). For
35 convenience, ingredients generally will be referred to

by the industry recognized standardized designations commonly referred to as "INCI" names given them in the INCI Dictionary, the relevant disclosures of which are incorporated herein by reference. An extensive listing of cosmetic ingredients can also be found in Cosmetics & Toiletries® Cosmetic Bench Reference 2001, 115(13), published by Allured Publishing Corporation, Carol Stream, IL (2001), (hereafter referred to as the "CBR") the relevant portions of which are incorporated herein by reference.

Preferably one or more water-immiscible emollient oils typically used in cosmetic formulations are employed. On a total composition weight basis, a suitable weight amount of water-immiscible emollient oil preferably is in the range of about 30 to about 90 weight percent, more preferably in the range of about 40 to about 85 weight percent. Examples of cosmetically acceptable water-immiscible oils include, without being limited thereto, linear and branched chain aliphatic hydrocarbons, animal derived oils, vegetable derived oils, silicone oils, esters of fatty acids having at least 7 carbon atoms in the fatty chain, C₇-C₁₈ aliphatic and aromatic alcohols and mixtures thereof.

Exemplary water-immiscible linear aliphatic hydrocarbons are preferably petroleum derived hydrocarbons including, but not limited, to mineral oil, paraffin oil, petroleum jelly, and the like. Exemplary branched chain aliphatic hydrocarbons include, but are not limited thereto, isododecane, isohexadecane and the like.

Exemplary water-immiscible animal derived oils, include, but are not limited to, lanolin oil, mink oil, fish oils, milk fat and the like. Exemplary water-immiscible vegetable derived oils include, but are not limited to, sweet almond oil, sunflower oil, coconut

Exemplary emulsifying agents include, without being limited thereto, ethoxylated carboxylic acids, ethoxylated glycerides, glycol esters and derivatives thereof, monoglycerides, polyglyceryl esters, polyhydric alcohol esters and ethers, sorbitan/sorbitol esters, triesters of phosphoric acid, ethoxylated fatty alcohols, propoxylated polyoxyethylene (POE) ethers and the like and mixtures thereof. Particularly preferred are glyceryl stearate, PEG-100 stearate, sorbitan stearate, PEG-40 stearate, steareth-2, steareth-20, steareth-100, polysorbate-20, laureth-1, laureth-23 and the like. A description of commercially available ester and ether emulsifiers and suppliers thereof can be found in Chapter IV of Rieger, Surfactant Encyclopedia, 2nd Edition, published by Cosmetics & Toiletries® magazine, Allured Publishing Corporation, Carol Stream, IL (1996), the relevant disclosures of which are incorporated herein by reference.

One or more substantially crystalline, water-soluble abrasive materials are employed, preferably having sufficient water solubility such that at least 20 parts by weight of the abrasive will dissolve in 100 parts by weight of water at 20°C, and which are insoluble in the anhydrous skin cleanser formulation vehicle. The particle size of the abrasive crystalline material should be sufficiently large to serve as a scrubbing agent against the skin to remove dirt and cellular debris, such as rough dead skin cells, and yet not so large as to scratch or irritate the skin. A preferred particle size in the range of about 50 to about 1000 microns has been found useful for removing soil and dead skin cells. This particle size range also permits the rapid dissolution of the abrasive when water is added to the formulation during usage on the skin. Preferably, on a total composition weight basis, an

methods, but are not intended to be limiting. Except where otherwise indicated, the INCI name of the ingredient is used.

5 Example 1 ✓

The following example illustrates the beneficial efficacy of practicing the method of this invention with the novel skin cleanser of this invention as a body cleanser and smoother.

10

<u>Ingredient</u>	<u>Weight %</u>
Glyceryl stearate	2.1
PEG-100 stearate	2.1
Mineral oil	60.9
15 Fumed Silica	4
Dead Sea Salt	30.4
Fragrance	0.5

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The anhydrous skin cleanser was applied to body skin that was soiled with both oily and water-soluble materials by rubbing the anhydrous skin cleanser onto the skin with a massaging motion for about 10 seconds so that the skin was thoroughly coated. The coated skin was then moistened with a small amount of water by wetting the fingers of one hand and rubbing the skin with the wetted fingers until the anhydrous skin cleanser coating formed a white cream emulsion visible on the skin and the abrasive Dead Sea salt dissolved (i.e., salt crystals were no longer detected to the touch or visible in the emulsion). The so formed skin cleanser emulsion was then removed from the skin by rinsing with tap water and the cleansed skin dried. The dry cleansed skin was visually very clean, smooth and soft with no trace of harsh dryness normally associated with the use of abrasive cleaners.

For comparison the anhydrous skin cleanser formulation was applied following the procedure described above, except that the step of moistening the coating was omitted and the skin cleanser was rinsed off the skin with running tap water and then dried. Although the skin was clean and felt soft, smooth, and moisturized, the efficacy was judged overall to be less than that achieved when it was applied in the manner described above.

Example 2 ✓

This example illustrates an anhydrous skin cleanser gel suitable for use as a facial skin cleanser.

	<u>Ingredient</u>	<u>Weight %</u>
15	Mineral oil	39.5
	Isopropyl stearate	17.5
	Quaternium 18 Hectorite	2.4
	Glyceryl stearate	1.6
20	PEG-100 stearate	1.3
	Propylene carbonate	0.7
	Cane Sugar (Refined)	36.4
	Fragrance	0.6

25 The anhydrous skin cleanser gel was used for facial cleansing and moisturizing by hand applying the skin cleanser onto the face and gently massaging the anhydrous skin cleanser over the face for several seconds. The palms of both hands were then slightly
30 moistened with water and the massaging process continued. The process of moistening the palms and massaging was repeated until the sugar crystals could no longer be felt. The face was then rinsed and dried. Makeup and other facial soils had been removed and the
35 face felt unusually soft, smooth and moisturized.

Example 3 ✓

This example illustrates an anhydrous skin cleanser gel suitable for use as a hand cleanser..

5	<u>Ingredient</u>	<u>Weight %</u>
	Mineral oil	40
	Caprylic/Capric triglyceride	40
	Glyceryl stearate	3
	Steareth-100	2
10	Aluminum/Magnesium	7
	Hydroxide Stearate	
	Sucrose	7.5
	Fragrance	0.5

15 The anhydrous skin cleanser gel was applied on hands that were soiled with a greasy automotive residue. The skin was then moistened with a small amount of water and rubbed until all the grittiness of the crystalline sucrose could no longer be felt. The cleanser was then
20 rinsed from the skin with water. The cleansed hands were clean and had a pleasing soft feel.

Example 4 ✓

25 This example illustrates an anhydrous skin cleanser having the additional benefit of imparting a cooling effect on the skin.

	<u>Ingredient</u>	<u>Weight %</u>
	Caprylic/Capric triglyceride	20
	Lanolin oil	3
	Octyl stearate	19.4
5	Wheat Germ oil	14.5
	Avocado oil	6.3
	Aluminum/Magnesium hydroxide	
	stearate	4
	Sorbitan stearate	3
10	PEG-40 stearate	2
	Ammonium chloride	27
	Antioxidant	0.1
	Fragrance	0.7
	Color	qs

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The anhydrous skin cleanser was applied and rubbed onto the skin of the forearm, a small amount of water was added and rubbing continued. The cleanser coated skin became noticeably cooler. Additional quantities of water were incrementally added and rubbing continued until all the ammonium chloride crystals had dissolved and an emulsion had formed on the skin. The emulsion cleanser was then rinsed from the skin with water. The skin was clean, soft and smooth.

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Example 5 ✓

This example illustrates an anhydrous skin cleanser having a cooling effect on the skin.

- 21 -

	<u>Ingredient</u>	<u>Weight %</u>
	Isopropyl palmitate	15
	Lanolin oil	15
	Wheat Germ oil	15
5	Isohexadecane	15
	Glyceryl stearate	3
	Polysorbate-20	2
	Magnesium stearate	10
	Aluminum stearate	10
10	Ammonium chloride	15

The skin cleanser was applied to soiled skin that was judged rough and dry and rubbed into the skin. After rubbing for about 30 seconds, the skin was
15 moistened with water and rubbing the cleanser coated skin was resumed until an emulsion formed on the skin. The cleanser emulsion was rinsed from the skin with water and the cleansed skin dried. The skin was judged
20 as having a lubricous smooth feel, and much of the roughness had disappeared.

Example 6 ✓

This example illustrates an anhydrous skin cleanser suitable for use on the feet.

25

	<u>Ingredient</u>	<u>Weight %</u>
	Mineral oil	25.5
	Octyl stearate	15.5
	Isododecane	21
30	Steareth-2	3
	Steareth-20	1
	Fumed Silica	4.6
	Sodium chloride	28.5
	Fragrance	0.9

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The anhydrous skin cleanser gel was applied and massaged onto the skin of one foot. After massaging for about 20 seconds, one hand was moistened with water and the massaging continued with the water wet hand. The process of moistening the hand and continuing massaging was repeated until the abrasive salt crystals had dissolved sufficiently so that they could no longer be felt and the cleanser had formed an emulsion on the skin. The cleanser emulsion was then rinsed from the foot with water and dried. The cleansed, treated foot was judged to be considerably softer, smoother and had less rough dead skin cells on its surface than the untreated foot.

15 Example 7 ✓

This examples illustrates a self-warming anhydrous skin cleanser gel.

	<u>Ingredient</u>	<u>Weight %</u>
20	Soya oil	17
	Octyl palmitate	45.5
	Glyceryl stearate	3
	Steareth-100	2
	Magnesium sulfate	29.3
25	Stearalkonium Hectorite	2.5
	Propylene carbonate	0.7

The anhydrous skin cleanser gel was first rubbed onto rough dry skin and then a small amount of water was added with continued rubbing. The skin cleanser began to form a cream as water was taken into the oil-based gel and a pronounced discernible warming effect was noted as heat was liberated by the dissolving magnesium sulfate. The process was continued until the abrasive magnesium sulfate crystals could no longer be felt and an emulsion

had formed on the skin. The cleanser emulsion was then rinsed off the skin with water and the skin dried. The rough dead skin cells had been removed and the skin felt soft and moisturized.

5 The amount of warming generated by Formula 7 was measured by placing 10 grams of the anhydrous skin cleanser gel into an insulated cup, then adding 5 grams of water and mixing. The mixture was continuously stirred to form an emulsion and the rise in temperature measured. The temperature of the added water was about 10 15°C and the temperature of the mixture, within one minute, increased to about 53°C.

Example 8 ✓

15 This example illustrates an anhydrous skin cleanser gel suitable for use as an in-shower, all-in-one, body cleanser, scrub, polisher and moisturizer.

20	<u>Ingredient</u>	<u>Weight %</u>
	Mineral oil	28.5
	Caprylic/Capric triglyceride	9
	Isohexadecane	18.5
	Sorbitan stearate	3.5
25	Polysorbate-20	1.5
	Magnesium stearate	4
	Aluminum Stearate	4
	Dead Sea Salt	31

30 The skin cleanser gel was used as follows. Before becoming wet in the shower, the skin cleanser gel was hand applied all over the body and massaged for about one minute. Both hands were then moistened in the stream of the shower and the body massaging process continued.

35 The process of wetting the hands and continuing to

- 24 -

96/6

massage was continued until all the Dead Sea Salt had dissolved and abrasive particles could no longer be felt and an emulsion had formed. The cleanser emulsion product was then rinsed off the body in the shower.

5 After drying, the skin had an unusually clean and fresh appearance. It felt smooth, soft and appeared as if a moisturizing agent had been applied.

Example 9 ✓

10 This example illustrates an anhydrous skin cleanser gel suitable for use as a rough skin cleanser and smoother.

	<u>Ingredient</u>	<u>Weight %</u>
15	Sunflower oil	40
	Soy oil	37
	Disteardimonium Hectorite	5
	Propylene carbonate	1.5
	Laureth-1	2.8
20	Laureth-23	2
	Urea	11.2
	Tocopherol	0.1
	Fragrance	0.4

25 The anhydrous skin cleanser gel was applied and rubbed onto rough dry skin of the knee for about 10 seconds. A small amount of water was added by moistening the hand and the rubbing continued with the moistened hand. Another small amount of water was similarly added

30 while continuing to rub the product onto the knee. After an emulsion had formed on the skin of the knee and no further grittiness could be felt, the cleanser emulsion product was rinsed off with water and the knee dried. The cleansed skin on the knee was much smoother and

35 softer than before the cleansing treatment.

Example 10 ✓

This example illustrates an anhydrous skin cleanser gel suitable for use as a hand cleanser.

5	<u>Ingredient</u>	<u>Weight %</u>
	Avocado oil	25
	Coconut oil	25
	Jobba oil	25
	Steareth-2	3
10	Steareth-20	1
	Fumed Silica	4
	Sodium chloride	17

15 The anhydrous skin cleanser gel was applied and rubbed onto rough dry hands that were heavily soiled with greasy residue. A few drops of water were then added and the skin cleaner continued to be rubbed in until the gritty feel of the salt disappeared as it dissolved and an emulsion formed on the skin. The hands
20 were then rinsed with water and dried. The oily soil was completely removed and the hands were left with a soft, very smooth feel.

25 The present invention has been described generally and with respect to preferred embodiments. It will be understood that modifications and variations of the disclosed method, compositions and delivery system may be made without departing from the spirit and scope of the novel concept of the present invention.

WE CLAIM:

1. A substantially anhydrous skin cleanser gel comprising:

- a) a water-immiscible emollient oil;
- 5 b) an oil-gelling agent that is insoluble in water and in oil;
- c) an emulsifying agent capable of forming an emulsion *in situ* on skin during use; and
- 10 d) a substantially crystalline abrasive material that is soluble in water but insoluble in the resulting anhydrous skin cleanser gel.

2. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of water-immiscible emollient oil, on a total composition weight basis, is
15 in the range of about 30% to about 90%.

3. The anhydrous skin cleanser gel of claim 1 wherein the weight percent amount of water-immiscible emollient oil, on a total composition weight basis, is
20 in the range of about 40% to about 85%.

4. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of oil-gelling agent, on a total composition weight basis, is in the range of
25 about 1% to about 20%.

5. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of oil-gelling agent, on a total composition weight basis, is in the range of
30 about 2% to about 10%.

6. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of emulsifying agent, on a total composition weight basis, is in the range of
35 about 1% to about 15%.

7. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of emulsifying agent, on a total composition weight basis, is in the range of
about 2% to about 10%.

8. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of abrasive material, on a total composition basis, is in the range of about 1% to about 60%.

5 9. The anhydrous skin cleanser gel of claim 1, wherein the weight percent amount of abrasive material, on a total composition basis, is in the range of about 2% to about 50%.

10 10. The anhydrous skin cleanser gel of claim 1 wherein the water-immiscible emollient oil is selected from the group consisting of linear and branched chain aliphatic hydrocarbons, animal derived oils, vegetable derived oils, silicone oils, esters of fatty acids having at least 7 carbon atoms in the fatty chain, C₇-C₁₈ aliphatic and aromatic alcohols, and mixtures thereof.

15 11. The skin cleanser gel of claim 1 wherein the oil-gelling agent is selected from the group consisting of clays, organically modified clays, silicas, soaps of fatty acids having at least 11 carbon atoms in the fatty chain and a Group IA, Group IIA or Group IIIA metal ion, aluminum/magnesium stearate gels and mixtures thereof.

20 12. The skin cleanser gel of claim 1 wherein the emulsifying agent is selected from the group consisting of ethoxylated carboxylic acids, ethoxylated glycerides, glycol esters and derivatives thereof, monoglycerides, polyglyceryl esters, polyhydric alcohol esters and ethers, sorbitan/sorbitol esters, triesters of phosphoric acid, ethoxylated fatty alcohols, propoxylated polyoxyethylene (POE) ethers and mixtures thereof.

30 13. The skin cleanser gel of claim 1 wherein the emulsifying agent comprises at least one emulsifying agent having a reported HLB value of not more than 8.

100

~~100~~

ASUNTO

Radicación	06-2294
Trámite	011
Evento	379
Actuación	430
Oficio	20
Folios	102

12 0 8 7 8 6

Patente de Invención

Patente de Modelo de Utilidad

Vía Nacional

100

Via PCT (fase nacional)

1111

Cap. I

CONCLUSIONS

Cap. 11

100

No. Sol. Internacional

PCT/US2004/021135

Fecha de Presentación Interna

2004/06/30

1. Documentos estudiados

Reivindicaciones: Folios 36 a 40 como se radicó inicialmente

Prioridad: Fecha: 2003/07/02, país: US, número: 10/612.549

2. Objeto de la invención

- Título de la solicitud: Composición limpiadora de la piel anhidra y número de folio: 1

El problema planteado en esta solicitud es la necesidad de composiciones limpiadoras de la piel.

Para solucionar este problema técnico la solicitud en estudio proporciona una composición de acondicionadores de la piel, anhidra que proporciona efectiva humectación y acondicionamiento, con un vehículo estética y cosméticamente placentero, dejando la piel suave, lisa, humedecida. Tiene estabilidad de fase mejorada, es fácilmente aplicada a la piel mientras está mojada en la ducha y

101
101
puede removerse efectivamente con agua sin dejar residuo aceitoso, dejando la piel con un atributo sensorial percibible y deseable.

Clasificación Internacional de Patentes (IPC.): A61K 7/00

3. De la solicitud de Patente

Reivindicaciones (artículo 30 D 486)

Una vez revisado el capítulo reivindicatorio esta dependencia encuentra:

- No son claras ni concisas las reivindicaciones cuando se utilizan los términos "esencialmente" y "por lo menos". No delimita de manera adecuada el alcance de la reivindicación.

4. Determinación del Estado de la Técnica

La fecha que se ha tenido en cuenta para determinar el Estado de la Técnica es:

Fecha de presentación de la solicitud prioritaria 2003/07/02

Teniendo en cuenta la fecha indicada se realizó la búsqueda en el estado de la técnica de documentos relacionados con la solicitud encontrándose los siguientes documentos más relevantes:

Nº	Documento	Título	Fecha de publicación*
D ₁	WO 01/85103	ANHYDROUS SKIN CLEANSERS	2001/11/15

5. Análisis de patentabilidad (artículo 14 D486)

Novedad (artículo 16 D486)

Reivindicación 1: composición la cual es por lo menos esencialmente anhidra que comprende:

- a) Aceite emoliente inmiscible en agua
- b) Agente emulsificador
- c) Estabilización física de la cantidad mejorada de composición de un componente seleccionado de:
 - una cera
 - un agente de gelación- aceite
 - las mezclas

D1 enseña composiciones limpiadoras de la piel estabilizadas físicamente anhidras que comprenden aceite emoliente, agente emulsificante y aceite gelificante los cuales producen una emulsión cuando se mezclan con agua y tienen un efecto emoliente en la piel.

- 102
- ♦ Tres (3) de los elementos característicos de la composición de la reivindicación 1, es decir: **aceite emoliente inmiscible en agua, agente emulsificador y agente gelación - aceite** habían sido divulgados previamente en el Estado de la Técnica según la tabla siguiente:

TABLA 1	
CARACTERÍSTICAS REIVINDICADAS	D ₁
Aceite emoliente inmiscible en agua	SI F 82 abstract, f 87 ln 11, f 98 reiv 1, f 99 reiv 10
Agente emulsificador	SI F 82 abstract, f 88 ln 1-11, f 98 reiv 1, f 99 reiv 12
Estabilización física de la cantidad mejorada de composición de un componente seleccionado de: Cera, un agente de gelación- aceite o mezclas de los anteriores	SI F 82 abstract, f 98 reiv 1

De manera que el objeto de esta solicitud, tal como aparece en las reivindicaciones 1 - 5, no es nuevo.

6. Conclusión:

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

N°	Documento N°	Reivindicaciones afectadas	Requisito que afecta
D ₁	WO 01/85103	1-5	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
Directora de Nuevas Creaciones (C)

El anterior requerimiento fue notificado por fijación en lista, de fecha
09 JUL. 2010

CONCEPTO TÉCNICO No. 1136	EXAMINADOR TÉCNICO Código No. 202087
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