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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Expediente No. 06-035.337

Solicitud de Patente de Invención titulada:

“CAPA DE CUBIERTA PARA UN ARTICULO ABSORBENTE”

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad: 06-035337- -00001-0000
Fec: 2006-06-25 17:51:50 Dep: 2005 NUEVOCREACIONES
Tra: 11 PATENTE INV
Exa: 378 FASE NACIONAL I
Act: 444 RESPUESTA RESQUE Folios: 12

RESPUESTA AL OFICIO No. 6314 NOTIFICADO POR
FIJACION EN LISTA No. 200, DE FECHA 9 DE JUNIO DE 2006
(EXAMEN DE FORMA)

J. IAN RAISBECK, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad en referencia, me permito dar respuesta al auto proferido por ese Despacho, dentro del término legal previsto en el artículo 39 de la Decisión 486, en los siguientes términos:

1. En respuesta a la primera observación del Examinador, me permito aclarar al despacho que la presente solicitud entra en Fase Nacional Capítulo I y no Capítulo II como inicialmente se presentó. Para tal efecto adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el cual valga la pena aclarar no contiene anexos.

2. En respuesta a la segunda observación del Examinador, me permito adjuntar los respectivos dibujos que acompañan el capítulo descriptivo y reivindicatorio.

Atentamente,



J. IAN RAISBECK
CC. No. 79.376.996 de Bogotá
T.P. 135.799 CSJ

Anexos : Reporte Preliminar Internacional de Patentabilidad
 Dibujos

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 19508	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/019446	International filing date (day/month/year) 16 June 2004 (16.06.2004)	Priority date (day/month/year) 29 October 2003 (29.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KIMBERLY-CLARK WORLDWIDE, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒ Box No. I

Box No. II

Box No. III

☒ Box No. IV

☒ Box No. V

☐ Box No. VI

☐ Box No. VII

☒ Box No. VIII

Basis of the report

Priority

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Lack of unity of invention

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Certain documents cited

Certain defects in the international application

Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 01 May 2006 (01.05.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 90 90

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

REC'D 08 FEB 2005

WIPO

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/019446

International filing date (day/month/year)
16.06.2004

Priority date (day/month/year)
29.10.2003

International Patent Classification (IPC) or both national classification and IPC
A61F13/15, A61L15/46

Applicant
KIMBERLY-CLARK WORLDWIDE, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Schweissguth, M.

Telephone No. +49 89 2399-2069



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/019446

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the International application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2004/019446

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Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:

- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ not paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

- ☐ complied with
- ☒ not complied with for the following reasons:

see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-11, 16-20

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⑤

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/019446

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,8,17
Inventive step (IS)	Yes: Claims	
	No: Claims	2-11,16,18-20
Industrial applicability (IA)	Yes: Claims	1-11,16-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the International application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/019446

To point V:

Prior art:

- D1: EP-A-1 153 617 (UNI CHARM CORP) 14 November 2001 (2001-11-14)
D2: WO 03/057122 A (KIMBERLY CLARK CO) 17 July 2003 (2003-07-17)
D3: PATENT ABSTRACTS OF JAPAN vol. 2002; no. 07, 3 July 2002 (2002-07-03) &
JP 2002 085451 A (UNI CHARM CORP), 26 March 2002 (2002-03-26)
D4: US-A-5 944 705 (DUCKER PAUL M ET AL) 31 August 1999 (1999-08-31)
D5: US-A-5 938 649 (DUCKER PAUL M ET AL) 17 August 1999 (1999-08-17)
D6: EP-A-1 275 403 (SHAN LIN I) 15 January 2003 (2003-01-15)
D7: DE 41 36 540 A (AMERICAN ISRAELI PAPER MILLS) 14 May 1992 (1992-05-14)
D8: WO 99/32706 A (KIMBERLY CLARK CO) 1 July 1999 (1999-07-01).

Novelty:

Feature analyses of **independent claim 1**:

- Cover layer (see cross-sectional view of diaper in Figs. 2 and 4) and paragraph [0021],
- sorbent layer (see cross-sectional view of diaper in Figs. 2 and 4),
- bottom layer (see cross-sectional view of diaper in Figs. 2 and 4),
- substance impregnated/printed onto the user facing surface see paragraphs [0047] and [0048] for kind of substance and paragraph [0015].
- printing step: col. 9, line 31.

Accordingly, the subject-matter of independent claim 1 lacks novelty over the disclosure of document D1.

Feature analyses of **independent claim 17**:

Claim 17 further specifies the absorbent article as feminine care product. Such relevance also as a feminine care product would be obvious to those skilled in the art. The subject-matter of claim 17 would those implicitly lack novelty.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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Dependent claims:

The subject-matter of the dependent claims refers to the concentration of surface active compounds, their chemical constitution, alone and in mixture.

Especially, the definition of the botanical extracts may be found in the prior art documents, see International search report and references made therein to claim 8.

Those items appear to belong to the normal knowledge of the skilled person and may not constitute any inventive activity.

With regard to dependent claims 2, 3 and 9 they appear to define subject-matter as optional and/or preferred (=dependent claims) whereas in claim 16 such process features are necessary to provide the alleged invention.

To point VIII, Art. 6 PCT:

The last paragraph on page 18 of the present description contains no technical information. This paragraph should be deleted from the description.

This International search opinion has been written at search stage of the international application, having no information as to applicants point of view with regard to unity of alleged invention (28 October 2004):

No references signs are used within the claims.

Independent claim 17 contains all features of independent claim 1. Accordingly, already for formal reasons the subject-matter of independent claim 17 should be rendered dependent to claim 1.

If it is intended to enter the regional European phase the above mentioned points should be remedied and/or addressed to.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

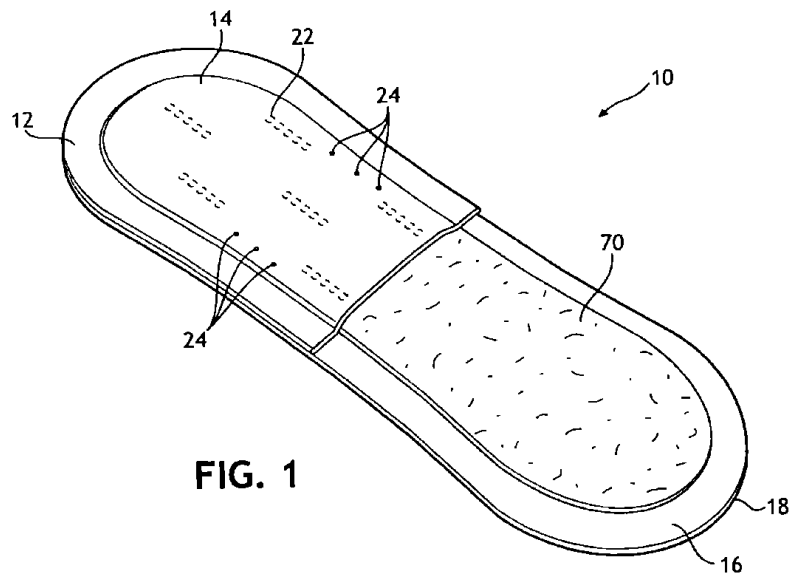
International application No.

PCT/US2004/019446

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To point IV, Unity of invention:

See International search report.



Handwritten signature or initials.

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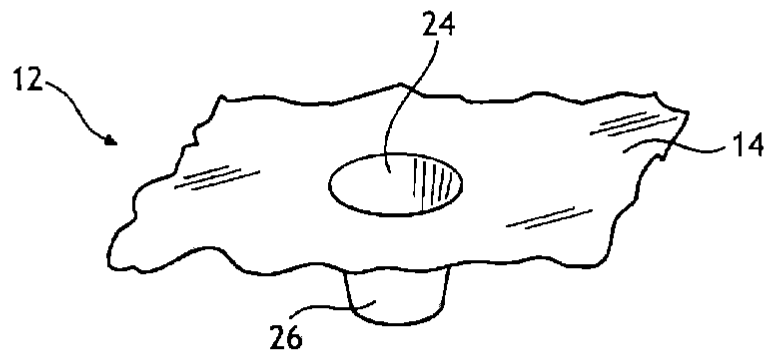


FIG. 2

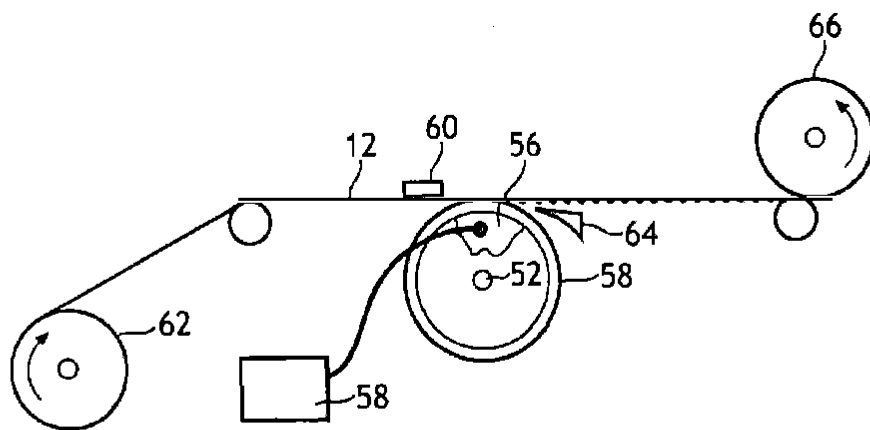


FIG. 3

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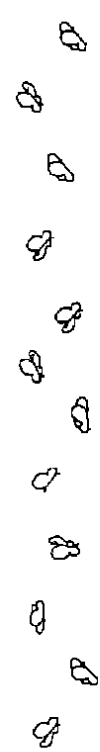


FIG. 4



FIG. 5

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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio ~~105~~

2020
Bogotá D.C.,

Doctor(a)
RAISBECK J. IAN
Apoderado(a) y/o Representante de
KIMBERLY CLARK - WORLDWIDE, INC.

REFERENCIA	Radicación No.	06 35337
	Solicitud internacional	US2004/019446
	Fecha inicio fase nacional	29/05/2006
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	3084
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,

04 JUN. 2007

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

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