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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

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Trm. 11 PATENTEXII

Ene: 379 FASENACIONALI

Act 444 RESPUESTAREQUE Folio: 8

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Expediente No. 06-042.753

Solicitud de Patente de Invención titulada:

"METODO PARA CAMBIAR LA ORIENTACION DE LAS CAPAS DENTRO DE UN PRODUCTO DE CAPAS MULTIPLES"

Solicitante: **KIMBERLY-CLARK WORLDWIDE, INC.**

RESPUESTA AL OFICIO No. 6933 NOTIFICADO POR
FIJACION EN LISTA No. 221, DE FECHA 30 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.

Atentamente,



J. IAN RAISBECK

CC. No. 79.376.996 de Bogotá

T.P. 135.799 CSJ

Anexos: **Reporte Preliminar Internacional de Patentabilidad**

From the INTERNATIONAL BUREAU

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PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

BAUM, Scott, A.
KIMBERLY-CLARK WORLDWIDE, INC.
401 N. Lake Street
Neenah, WI 54956
ETATS-UNIS D'AMERIQUE

JUN 1 2 2006

Date of mailing (day/month/year)

01 June 2006 (01.06.2006)

Applicant's or agent's file reference

18083

IMPORTANT NOTICE

International application No.

PCT/US2004/026913 ✓

International filing date (day/month/year)

18 August 2004 (18.08.2004) ✓

Priority date (day/month/year)

21 November 2003 (21.11.2003) ✓

Applicant

KIMBERLY-CLARK WORLDWIDE, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Athina Nickitas-Etienne

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 95

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 18083	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/026913	International filing date (day/month/year) 18 August 2004 (18.08.2004)	Priority date (day/month/year) 21 November 2003 (21.11.2003)
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 6 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 | Basis of the report |
| ☐ 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 Article 35(2) 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 |

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).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 22 May 2006 (22.05.2006) Authorized officer Athina Nickitas-Etienne Telephone No. +41 22 338 89 95
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PATENT COOPERATION TREATY

X 104

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 02 MAR 2005

PCT

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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/US2004/026913

International filing date (day/month/year)
18.08.2004

Priority date (day/month/year)
21.11.2003

International Patent Classification (IPC) or both national classification and IPC
B65H39/16, B65H41/00

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 86.1bis(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:



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D-80298 Munich
Tel. +49 89 2369 - 0 Tx: 523656 epmu d
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Authorized Officer

Stroppa, G

Telephone No. +49 89 2369-7575



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/026913

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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/US2004/026913

**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**

1. Statement

Novelty (N)	Yes: Claims	1-24
	No: Claims	
Inventive step (IS)	Yes: Claims	1-24
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

- 7 107
1. Reference is made to the following document:
D1: US 4 738 847
 2. Although claims 1, 10, 20 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
 3. Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The following statement "changing the orientation of the treated surface" do not enable the skilled person to determine which method steps are necessary to perform in order to obtain a "reoriented multi-ply web" according to claim 1.
Same objection above is also valid for claims 10 and 20 as far as corresponding method steps are concerned.
 4. The above clarity objections notwithstanding, the subject-matter of claim 1 appears to be novel in respect of the available prior art (Article 33(2) PCT). Document D1, which is considered to represent the most relevant state of the art, discloses (figures 1 and 2) a method comprising the steps of:
 - providing at least two plies, each ply having a first and a second opposing surface;
 - combining the at least two plies (2, 4) together to form a multi-ply web;
 - treating either the first or the second opposing surface of at least one ply of the multi-ply web forming a treated multi-ply web wherein the treating process is selected from the group consisting of flexographic printing, rotogravure printing, offset printing, letterpress, direct gravure coating, offset gravure coating, reverse roll coating, flexographic coating, slot coating, dip coating, rod coating, knife coating, air knife coating, blade coating, slide coating, curtain coating, spraying, hot melt spraying, foam application, brushing, and embossing (see col. 3, l. 29-34);
 - winding the treated multi-ply web into a roll (3, 5);

from which the subject-matter of claim 1 differs in the following method steps:

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

International application No.

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- changing the orientation of the treated surface within the multi-ply web to form a reoriented multi-ply web;
 - unwinding the roll.
5. The problem to be solved by the present invention may therefore be regarded as providing a method to treat the middle tissue ply, resp. the internal surface of a multi-ply web, that can be carried out with a machine designed for treating only the outer face of such a web.
6. The solution to this problem proposed in claim 1 of the present application is not suggested by any of the prior art documents cited in the International Search Report. As such, the subject-matter of claims 1, 11 and 21 is considered to involve an inventive step (Article 33(3) PCT).
7. Claims 2-10, 12-20 and 22-24 are dependent on claim 1, resp. 11 and 21 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
8. Independent claims 1, 10 and 20 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
9. The units employed in the description (see for example p. 3, l. 15 - ft/min; pounds; l. 16 - square feet, etc.) are not additionally expressed in terms of the units stipulated by Rule 10.1(a) and (b) PCT.