

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 13-018127- -00001-0000

Fecha: 2013-09-16 16:37:12 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 379 FASENACIONALII
Act. 538 PETICION Folios: 16

Señor Director
DIRECCION DE NUEVAS CREACIONES
Superintendencia de Industria y Comercio
E. S. D.

Trámite : 011
Evento : 379
Actuación : 538

Referencia : Expediente No. 13.018.127
Asunto : Solicitud de Patente para **APARATO PARA DESPACHAR PRODUCTOS DE HOJA ABSORBENTE Y MÉTODO PARA MODIFICAR TAL APARATO**
Solicitante : **SCA HYGIENE PRODUCTS AB**
Clase : A47K 010/036, B65H 035/000
Publicada en : La Gaceta No.665 del 15 de abril de 2013
Fecha de Solicitud : 31 de Enero de 2013

SOLICITUD EXAMEN DE PATENTABILIDAD

1. Yo, Luz Clemencia de PAEZ, identificada como aparece al pie de mi firma, actuando como apoderada de la sociedad **SCA HYGIENE PRODUCTS AB**, atentamente solicito se efectúe el examen de patentabilidad de la solicitud en referencia presentada de acuerdo con las reglas del Capítulo II del PCT y según lo establecido en el artículo 44 de la Decisión 486 de la Comisión de la Comunidad Andina.

Para tal efecto presento junto con este escrito el recibo por valor de \$505.000.00 que corresponde a la tasa legal fijada según lo dispuesto en la Resolución No. 173 del 11 de enero de 2013.

2. **Informe Preliminar Internacional sobre patentabilidad (IPRP)**: Adicionalmente presento junto con este escrito, copia del Informe Preliminar Internacional sobre patentabilidad expedido en el trámite de la Solicitud Internacional PCT/EP2010/059712, correspondiente a la presente fase nacional.

De acuerdo con el resultado del examen realizado por la Administración encargada de la Búsqueda Internacional, la invención de la referencia goza de los requisitos de novedad, nivel inventivo y aplicación industrial.

"EXCELENCIA LEGAL EN UN MUNDO SIN FRONTERAS"

BOGOTÁ - Edificio Siski - Carrera 4 No. 72 - 35 - Tel: (57-1) 347 3611 - Fax (57-1) 211 8650 - Fax in U.S.A: (1-305) 675 7743 - COLOMBIA
MEDELLÍN - San Fernando Plaza - Carrera 43 A No. 1 - 50 - Torre Protección Oficina 652 - Tel: (57-4) 604 4794 Ext. 6729 / 6731 - Fax: (57-4) 604 4731- COLOMBIA

www.cavelier.com
cavelier@cavelier.com

Por lo anterior, comedidamente solicito se prosiga con el trámite de este asunto.

Señor Director,

Luz Clemencia De Paéz
LUZ CLEMENCIA DE PAEZ
C.C. 35.456.344 de Usaquén
T.P.A. No. 23.555

de COLO-11256-0841-331-7
VCB\MMS\ID-251166\WPC11256
No. M-2013-251166\VCB

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
NIT : 800.176.089-2
- / -



RECIBO DE CAJA

No. 13 - 0092094

Bogotá D.C., Septiembre 12 de 2013 - 16:54:29

RECIBIDO DE : CAVELIER ABOGADOS NI 860.041.367

*** Soporte del Pago ***

TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR. PAGO
CONSIGNACION	BANCO DE BOGOTA	062754387	195891323	12/09/2013	3.960.000.00

*** Conceptos Pagados ***

CANT.	RENTISTICO	CONCEPTO	Vr. UNIDITARIO	Vr. CONCEPTO
1	50005-01-01 SOLICITUDES	114 PTC CAP-II EXAMEN DE PATENTIBILIDAD DE INVERSION	505.000.00	505.000.00
				\$505.000.00

SON: **QUINIENTOS CINCO MIL PESOS MONEDA CORRIENTE***

Responsable: _____

Recibo de Caja Aplicado al Expediente No. _____

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Sede Centro: Carrera 13 No. 27 - 00 Pisos 3,4,5 y 10 Bogotá, D.C.- Colombia

Web: www.sic.gov.co e-mal: info@sic.gov.co Conmutador: (571) 5870000 Fax: (571) 5870284 Linea: 018000-910165 Call Center: (571) 6513240

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 141690aa/mml	FOR FURTHER ACTION See Form PCT/PEA/416	
International application No. PCT/EP2010/059712	International filing date (day/month/year) 07.07.2010	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC INV. A47K10/36		
Applicant Sca Hygiene Products AB		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows: ☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). ☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). ☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)). b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3bis of Annex C of the Administrative Instructions).		
4. 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		
Date of submission of the demand	Date of completion of this report	
07.05.2012	29.08.2012	
Name and mailing address of the international preliminary examining authority:	Authorized officer	
 European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	Clasing, Martina Telephone No. +31 70 340-2878	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2010/059712

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a) and (b))
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-16 as originally filed

Claims, Numbers

1-11 filed with the letter of

07-05-2012

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):

5. ☐ This report has been established:

- ☐ taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
- ☐ without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91(Rules 66.4bis and 70.2(e)).

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2010/059712

6. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-11</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-11</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-11</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1 US 6 314 850 B1 (MORAND MICHEL [CA]) 13 November 2001 (2001-11-13)

D2 US 6 048 119 A (KATO HIROYUKI [JP] ET AL) 11 April 2000 (2000-04-11)

D3 DE 29 50 192 A1 (OLYMPUS OPTICAL CO) 10 July 1980 (1980-07-10)

2 INDEPENDENT CLAIM 1

Document D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses (see fig. 1 and 4; the references in parentheses applying to this document):

an apparatus for dispensing absorbent sheet products (12) comprising

- a store with an absorbent web (12) which is to be dispensed;,
- a conveying means with at least one conveying element (22) for feeding the absorbent web (12); and
- means (52) for severing the web (12) so as to form absorbent sheet products.

The subject-matter of claim 1 therefore differs from this known dispenser in that it further comprises

- means for collecting electrical charges caused by static electricity;
- means for directing electrical charges to another element within the apparatus for dispensing; and
- means for neutralising and/or consuming the electrical charges; wherein
- the means for neutralizing the electrical charges is in contact with the positively charged element inside the dispenser; and
- comprises at least one second brush being in contact with the positively charged element and is therefore new (Article 33 (2) PCT).

The problem to be solved by the present invention may be regarded as making electrical charges disappear.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

in none of the known prior art documents electrical charges are neutralized via a second element in contact with a positively charged element. The skilled person, knowing D2 and D3 would not come to the above mentioned solution of the problem as he would have first to recognize the positively charged element and then to make use of it by applying a second brush which is in contact with this positively charged element and thus neutralizes the electrical charges.

3 INDEPENDENT CLAIM 9

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent method-claim 9, which therefore is also considered inventive.

4 INDEPENDENT CLAIM 10

Document D1, which is considered to represent the most relevant state of the art, discloses (see fig. 1 and 4; the references in parentheses applying to this document):

a method for modifying an apparatus for dispensing absorbent sheet products (12) comprising

- a store with an absorbent web (12) which is to be dispensed;,
- a conveying means with at least one conveying element (22) for feeding the absorbent web (12); and
- means (52) for severing the web (12) so as to form absorbent sheet products from which the subject-matter of claim 10 differs in that

the method comprises the steps:

- placing means for collecting electrical charges caused by static electricity in contact with a first element inside the apparatus with a negative electrostatic charge;
- placing means for consuming the electrical charges in electrical contact to the first element, the means for consuming preferably being an LED.

The subject-matter of claim 10 is therefore novel (Article 33(2) PCT).

- The problem to be solved by the present invention may therefore be regarded as making electrical charges disappear.
- The solution to this problem proposed in claim 10 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: in all known prior art documents the electrical charges are being "neutralized" and therefore no other available prior art suggests or discloses the "consuming" of electrical charges as a solution to the above mentioned problem.

5 DEPENDENT CLAIMS 2 - 8 AND 11

Claims 2 - 8 and 11 are dependent on claim 1 and 9 and 10 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.

As to the dependent claims, claims 2 to 5 are as originally filed. Claims 7, 8 and 11 correspond to originally filed claims 9, 10 and 13 with adapted references back.

3. The invention relates to an apparatus for dispensing absorbent sheet products. Such absorbent sheet products are e.g. tissue towels. A specific feature of such apparatus is a means for severing the web so as to form absorbent sheet products. The absorbent web is dispensed from a store.

Static electricity accumulating on the web is collected by means of at least one brush element contacting a conveying element of the apparatus for dispensing. The electrical charges are directed away from the means for collecting to another element within the apparatus where a means is positioned for neutralising and/or consuming the electrical charges.

This basic principle is different to previously known apparatuses for dispensing, which usually direct the electrical charges out of the apparatus, namely into the wall at which the dispenser is affixed. According to the invention, in case of a means for neutralising the electrical charges, it is in contact with a positively charged element inside the dispenser. Further, the means for neutralising comprises at least one second brush being in contact with the positively charged element. In case of a means for consuming the electrical charges, it is preferably an electrical or electronic component, most preferably an LED, which is also positioned inside the dispenser.

In such a way, a high accumulation of static electricity can be prevented, even in case in which either the means for fixing the apparatus to a wall or the wall structure itself is unsuitable to direct the electrical charges to ground.

4. The prior art cited in the international search report neither anticipated nor rendered obvious the subject matter of the independent claims 1, 9 and 10.
- 4.1 As regards novelty, the written opinion of the International Searching Authority already acknowledged novelty of the three independent claims as filed.

4.2 With regard to inventive step, the International Searching Authority already acknowledged inventive step of claim 10 (originally filed claim 12). Therefore, no further explanations are considered to be necessary with regard to new claim 10.

4.3 Prior art document D1, US 6,314,850 B1, simply reflects the state of the art of an apparatus for dispensing paper towelling. It is not described how to deal with the build-up of static electricity.

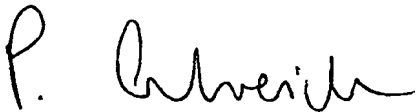
4.4 Document D2, US 6,048,119 A, relates to the field of facsimile machines or printers, e.g. inkjet printers as can be seen from col. 3, line 21 and col. 1, line 15ff. D2 teaches the provision of a means for collecting electrical charges caused by static electricity. Such means comprises a brush element contacting a discharge roller. The brush element is arranged at a position in which it prevents the sheet from being transferred in an unintended direction.

D2 relates to a different technical field. Therefore, a skilled person, starting from D1 and with the objective problem in mind to modify the apparatus according to D1 in such a way that, by simple means, the problems associated with electrostatic build-up are effectively reduced, would not have considered D2. Even if a person had considered D2, he or she would not have been led to the invention as claimed, because D2 only teaches the removal of electric load. D2 does not give any disclosure how to further "treat" the electrical charges. Therefore, a combination of documents D1 and D2 could not teach a skilled person to provide a means for directing electrical charges to another element within the apparatus for dispensing and that the means for neutralising is a brush being in contact with the positively charged element. Further, a combination of document D1 and D2 could also not teach that it is also possible to consume the electrical charges as given as an alternative in claim 1.

4.5 Document D3, DE-A-29 50 192, also relates to a different technical field, namely to a copying machine. The requirements of copying machines are different in that the toner used for forming the copied image also adheres to the paper by means of static load. D3 discloses a brush as a means for collecting electrical charges. However, D3

clearly teaches to prevent a direct contact between the brush and the loaded element within the copying machine (see page 2, 2nd paragraph of D3). Therefore, D3 is teaching away from the feature of present claim 1 according to which a second brush element should be in contact with the positively charged element. Therefore, for this reason alone, a combination of documents D1 and D3 would not have led to the subject matter of claim 1 of the present application. Further, D3 is completely silent as to the further processing of the collected charges in the brush. It is mentioned on page 17 of D3 that a connection to ground does not necessarily have to be present. Nevertheless, it is not described how it should work instead, let alone that a means for neutralising and/or consuming the electrical charges is disclosed. Therefore, also when combining the teachings of document D1 and document D3, the skilled person could not arrive at the subject matter of new claim 1.

5. The same applies to independent claim 9 directed to a method for modifying an apparatus for dispensing absorbent sheet products. The underlying features are the same as those discussed above for claim 1 and deal not only with a collecting of charges but with the way in which they are further "treated", namely by neutralising them in contact with a second element inside the apparatus with a positive electrostatic charge to which an electrically conductive connection is established. The above described combinations of prior art documents D1 and D2, and D1 and D3 both do not describe how electrical charges collected can be neutralised. Therefore, a combination of the prior art documents as presently on file could not indicate the solution as claimed in the independent claims.



P. Schweighart
European Patent Attorney
Association No. 151

Encl.
New set of claims 1 to 11
Working copy of the new set of claims

Claims

1. Apparatus for dispensing absorbent sheet products (16) comprising

- a store (14) with an absorbent web (16) which is to be dispensed;;
- a conveying means (18) with at least one conveying element (20, 22) for feeding the absorbent web (16); and
- means (24) for severing the web (16) so as to form absorbent sheet products;

characterized in that the apparatus further comprises

- means (34; 34a, 34b, 34c, 34d) for collecting electrical charges caused by static electricity;
- means (38) for directing electrical charges to another element within the apparatus (10) for dispensing; and
- means (40; 44; 46) for neutralising and/or consuming the electrical charges; wherein
- the means for neutralising the electrical charges is in contact with a positively charged element (16) inside the dispenser; and
- comprises at least one second brush (40) being in contact with the positively charged element (16).

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2. Apparatus for dispensing according to claim 1, characterized in that the means (34) for collecting electrical charges is attached to the means (24) for severing the web, preferably a tear bar.
3. Apparatus for dispensing according to claim 1 or 2, characterized in that the means (34; 34a, 34b, 34c, 34d) for collecting electrical charges comprises at least one brush element (34; 34a, 34b, 34c, 34d) contacting a conveying element (20) of the apparatus for dispensing, preferably a roller (20) contacting the absorbent web (16).
4. Apparatus for dispensing according to claim 3, characterized in that the at least one brush element (34) extends along most of the length of the conveying element (20), the at least one brush element preferably being one single brush (34).
5. Apparatus for dispensing according to claim 3, characterized in that several separate brushes (34; 34a, 34b, 34c, 34d) are provided at different positions (38) of the conveying element (20) where the absorbent web (16) comes in contact with the conveying element (20).
6. Apparatus for dispensing according to any of the preceding claims, characterized in that the means for consuming the electrical charges is an electrical or electronic component (44, 46), preferably an LED (44).

7. Apparatus for dispensing according to any of the claims 4 or 5, characterized in that the at least one first brush element (34; 34a, 34b, 34c, 34d) and/or second brush element (40) comprises fibers predominantly consisting of any of the materials of the group consisting of carbon fibers, nylon fibers, natural hair, stainless steel, SUS304 material, acrylic fibers coated with a conductive material like copper or synthetic conductive fibers.
8. Apparatus for dispensing according to claim 1 or 7, characterized in that the positively charged element is the absorbent web (16).
9. Method for modifying an apparatus for dispensing absorbent sheet products comprising:
- a store with an absorbent web which is to be dispensed;
 - a conveying means with at least one conveying element for feeding the absorbent web; and
 - means for severing the web so as to form absorbent sheet products;
- the method comprising the steps:
- placing means for collecting electrical charges caused by static electricity in contact with a first element inside the apparatus with a negative electrostatic charge;

AMENDED SHEET

- placing means for neutralizing the electrical charges in contact with a second element inside the apparatus with a positive electrostatic charge; and
- establishing an electrically conductive connection between the first element and the second element.

10. Method for modifying an apparatus for dispensing absorbent sheet products comprising:

- a store with an absorbent web which is to be dispensed;
- a conveying means with at least one conveying element for feeding the absorbent web; and
- means for severing the web so as to form absorbent sheet products;

the method comprising the steps:

- placing means for collecting electrical charges caused by static electricity in contact with a first element inside the apparatus with a negative electrostatic charge;
- placing means for consuming the electrical charges in electrical contact to the first element, the means for consuming preferably being an LED.

11. Method for modifying an apparatus to claim 9 or 10, characterized in that the means for collecting electrical charges comprises at least one brush element contacting a conveying element of the apparatus for dispensing.

AMENDED SHEET