

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Expediente No. 06-109.642

Solicitud de Patente de Invención titulada: "PROCESO PARA LAMINADO ELASTICO MULTI-CAPAZ"

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC

RESPUESTA AL OFICIO N°. 14289 NOTIFICADO
POR FIJACION EN LISTA No. 414 DE FECHA 11 DE DICIEMBRE 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 solicitante, me permito manifestar lo siguiente ante el auto emanado de ese Despacho, dentro del plazo legal previsto en el artículo 39 de la Decisión 486, en los siguientes términos:

1. En respuesta a la única 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 aclarar, no contiene anexos.

Atentamente,



J. IAN RAISBECK
C. C. N° 79.376.996 de Bogotá
T.P. 135.799 CSJ

Anexo: Reporte Preliminar Internacional de Patentabilidad

From the INTERNATIONAL BUREAU

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

(PCT Rule 44bis.1(c))

To:

AMBROSE, Robert, A.
Kimberly-Clark Worldwide, INC.
401 N. Lake Street
Neenah, WI 54956
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

09 November 2006 (09.11.2006)

Applicant's or agent's file reference
20312

IMPORTANT NOTICE

International application No.

PCT/US2005/008540 ✓

International filing date (day/month/year)

14 March 2005 (14.03.2005) ✓

Priority date (day/month/year)

30 April 2004 (30.04.2004) ✓

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)

NOV 17 2006

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

Authorized officer

Nora Lindner

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PATENT COOPERATION TREATY

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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 20312	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/008540	International filing date (day/month/year) 14 March 2005 (14.03.2005)	Priority date (day/month/year) 30 April 2004 (30.04.2004)
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 7 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 22 338 82 70	Date of issuance of this report 01 November 2008 (01.11.2008)
	Authorized officer Nora Lindner e-mail: pt02@wipo.int

PATENT COOPERATION TREATY

24/11/05

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From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 05 SEP 2005

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To:

see form PCT/ISA220

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

Date of mailing
(day/month/year) see form PCT/ISA210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/008540

International filing date (day/month/year)
14.03.2005

Priority date (day/month/year)
30.04.2004

International Patent Classification (IPC) or both national classification and IPC
B29C55/28, B29C47/00, B32B31/02, B32B27/12, B29C69/02, B32B31/00, B32B31/30, D04H13/00

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/ISA220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA220.

3. For further details, see notes to Form PCT/ISA220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/008540

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:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/008540

**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	1-19
	No: Claims	
Inventive step (IS)	Yes: Claims	1-19
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

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

International application No.

PCT/US2005/008540

Point V

1) Prior art

D1: WO 98/54389 A (KIMBERLY-CLARK WORLDWIDE, INC) 3 December 1998 (1998-12-03)

2) Novelty

2.1) Independent claim 1 and Independent claim 2

D1 is considered as the closest prior art document.

It describes a process of making a laminate comprising an elastic film and at least one nonwoven web. The elastic sheet may be formed by known extrusion process such as blow film extrusion process without being stored on a supply roll (page 15 lines 22-26).

The difference between the process of claim 1 and the process of D1 is the flattening of the blown film bubble between the nip of a pair of rollers and the simultaneous lamination of the nonwoven web at said nip.

The differences between the process of claim 2 and the process of D1 are:

- the use of a second pair of rollers rotating to a velocity different than the first pair of rollers; and**
- the lamination of the nonwoven web onto the film taking place at said first or at said second nip of rollers.**

Therefore, the subject-matter of claim 1 and of claim 2 is novel in the sense of Articles 33(1) and (2) PCT.

2.2) Product by process claim 14

The difference between the laminate according to claim 14 and the laminate according to

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
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International application No.

PCT/US2005/008540

D1 is its structural property of elasticity given by the processes of claim 1 and claim 2.

The subject-matter of claim 14 is therefore novel (Articles 33(1) and (2) PCT).

2.3) Dependent claims 3-13, 15-19

Dependent claims 3-13, 15-19 are also novel (Articles 33(1) and (2) PCT).

3) Inventive Step

3.1) Independent claim 1 and Independent claim 2

The problem solved by the differences (cf. paragraph 2.1 supra) is to produce an efficient in-line production process for making an elastic breathable material having improved tactile, stretch and recovery properties.

Flattening and simultaneously laminating the elastic bubble film with the nonwoven web is not obvious nor suggested by the prior art. Therefore claim 1 is inventive. It fulfils the requirements of Articles 33(1) and (3).

The stretching of the film by using two pairs of rollers, one pair rotating at a higher velocity combined to the process of flattening the bubble film and simultaneously laminating the nonwoven web is not an obvious nor suggested solution for the skilled person to solve the problem of producing an elastic breathable film/nonwoven laminate (cf. supra).

Therefore, claim 2 involves an inventive step in the sense of Articles 33(1) and (3) PCT.

3.2) Product by process claim 14

Since processes of claim 1 and claim 2 are inventive (cf. paragraph 3.2 supra), the product obtained by these processes is also considered as inventive (Articles 33(1) and (3) PCT).

3.3) Dependent claims 3-13, 15-19

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

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Dependent claims 3-13, 15-19 are also inventive (Articles 33(1) and (3) PCT).