

# HUMBERTO RUBIO & CIA.

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-047188- -00004-0000

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Tra. 11 PATENTEIYII Eve: 379 FASENACIONALI  
Act. 538 PETICION Folios: 2

Señor

**SUPERINTENDENTE DE INDUSTRIA Y COMERCIO  
DIVISIÓN DE NUEVAS CREACIONES**

**E. S. D.**

**REF:** Expediente No.:  
Patente de Invención:

**07-047.188**

**"DISPOSITIVO PARA FABRICAR  
CAMELOS, EN PARTICULAR  
CHUPETINES"  
CFS WEERT B.V.**

Titular:

**Publicada en la Gaceta de la Propiedad Industrial No. 595 de  
29 de Agosto de 2008**

## SOLICITUD DE EXAMEN DE PATENTABILIDAD

**HUMBERTO RUBIO CAMACHO**, mayor de edad, domiciliado en Bogotá, D.C., identificado con la cédula de ciudadanía número 17.192.062 de Bogotá, abogado en ejercicio, portador de la Tarjeta Profesional No. 50.007, expedida por el Consejo Superior de la Judicatura, actuando en carácter de **APODERADO** de la sociedad **CFS WEERT B.V.**, respetuosamente solicito a esa Dependencia:

- 1.- De conformidad con lo establecido en el Artículo 44 de la Decisión 486 de la Comisión de la Comunidad Andina y estando dentro del término legal de seis (6) meses contados desde la fecha de publicación en la Gaceta No. 595 de 29 de Agosto de 2008, de la solicitud de la patente de la referencia, solicito se sirvan proceder a efectuar el examen de patentabilidad de la Invención.
- 2.- Para que la presente petición sea viable, estoy anexando el siguiente documento:
  - 2.1. Recibo de pago No. 09-15,337 de 25 de Febrero de 2009; de acuerdo con la Resolución No. 55819 de 26 de diciembre de 2.008.
- 3.- Por lo anterior solicito se continúe con el trámite correspondiente.

Atentamente,

**HUMBERTO RUBIO CAMACHO**  
**C.C. 17.192.062 de Bogotá**  
**T.P. 50.007 Consejo Superior**  
**de la Judicatura.**  
**COD. 4134**

**07/2278/P000652**  
**Bap-**

PARA USO EXCLUSIVO DE  
HUMBERTO RUBIO & CIA. LTDA.

Examen de Patentabilidad  
Exp No: 07-047188

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-047188- -00004-0000

Fecha: 2009-02-27 12:21:37 Dep. 2020 NUECREACIONE  
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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 09 - 15,337  
FECHA : FEBRERO 25 DE 2009

\*\*\*\*\* CONSIGNACION \*\*\*\*\*

| DEPOSITANTE            | TIPO PAGO    | BANCO           | CUENTA    | No. PAGO  | FECHA PGO  | Vr. PAGO     |
|------------------------|--------------|-----------------|-----------|-----------|------------|--------------|
| HUMBERTO RUBIO CAMACHO | CONSIGNACION | BANCO DE BOGOTA | 062754387 | 105580506 | 25/02/2009 | 3,024,000.00 |

\*\*\*\*\* CONCEPTO \*\*\*\*\*

| N. | RENTISTICO              | CONCEPTO                             | TOTAL CONCEPTO |
|----|-------------------------|--------------------------------------|----------------|
| 1  | 50005-01-01 SOLICITUDES | 85 EXAMEN DE PATENTABILIDAD DE INVEN | 452,000.00     |
|    |                         | TOTAL :                              | \$ 452,000.00  |

SON: CUATROCIENTOS CINCUENTA Y DOS MIL PESOS

RESPONSABLE : \_\_\_\_\_

RECIBO DE CAJA APLICADO AL EXPEDIENTE No. \_\_\_\_\_

**DIVISIÓN DE NUEVAS CREACIONES**

RADICACIÓN EXPEDIENTE No. 07-47188

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

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **595** DE

FECHA **29 DE AGOSTO DE 2008** EL TÉRMINO HÁBIL SEÑALADO POR LA

LEY EXPIRA EL **26 DE NOVIEMBRE DE 2008**

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.

SI     X    

NO

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UZ, VC, VN, YU, ZA, ZM, ZW.

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(81) Designated States (national): AE, AG, AL, AM, AT, AU,  
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU,  
CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH,  
GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC,  
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ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK,  
TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ,  
GW, ML, MR, NE, SN, TD, TG).

Declaration under Rule 4.17:

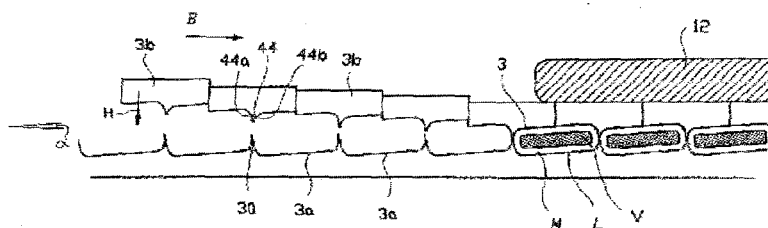
— as to applicant's entitlement to apply for and be granted  
a patent (Rule 4.17(ii)) for the following designations AE,  
AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA,  
CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES,  
FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE,  
KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD,  
MG, MK, MN, MW, MX, MY, MZ, NO, NZ, OM, PH, PL, PT,  
RO, RU, SC, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT,  
TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW. ARIPO patent  
(GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),  
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,  
ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR),  
OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW,  
ML, MR, NE, SN, TD, TG)

Published:

— with international search report  
— before the expiration of the time limit for amending the  
claims and to be republished in the event of receipt of  
amendments

For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

(54) Title: DEVICE AND METHOD FOR MANUFACTURING AND PACKAGING LOLLIPOPS



WO 03/043436 A1

(57) Abstract: Device for manufacturing lollipops, comprising a stationary supply (4, 5a, 5b) for a strand (5) of lollipop material in flat cross-section condition, a series of flat lollipop moulds (3a, 3b) movable past the supply according to a path of movement. The lollipop moulds having a main axis and each consisting of a lower mould (3a) and an upper mould (3b), which can be closed onto the lower mould while cutting off a leading portion of the strand, the supply being positioned for discharge of the strand in a direction transverse to the main axis.

FIG. 3 illustrates the closed and stacked containers with the indicator tapes of the confined sponges visible from the outside in their grooved locations for counting.

#### DESCRIPTION OF A SPECIFIC EMBODIMENT

It is to be noted that the drawings illustrate just one preferred embodiment of the invention. The container in general is designated 10 and the cover in general is designated 80 in all the figures.

FIG. 1 shows the sterile container 10 comprised mainly of a single compartment 12 packaged with five clean sponges 14, each having one indicator tape 16. The laminated film 18 has been partially peeled off from the flat sealing flange 20 of the container 10 and its wall 22. This film 18 will be completely peeled away before the sterile scrub nurse picks up the band 24 to remove the sterile sponges 14 from the sterile compartment 12. The outer perimeter of the cover 80 has a tapered edge 26 that forms a friction fit over flange 20 when closed. Within the perimeter edge 26 is a flat cover flange 28 that sits on the container flange 20 in the closed position, preventing any further compression by the cover 80 of the contents of the compartment 12. The rest of the cover 80 is raised upwards in the closed position by another tapered wall 30 to form a top surface 32 that accommodates the extra volume of used sponges in an unfolded condition. The cover 80 is non-sterile and should not touch the sterile portion or contents of the compartment 12 once the sterile seal formed by the film 18 is opened.

The empty weight of the container 10 and cover 80 is marked in the area 36 on the outer surface of the cover top 32. It enables the anesthesiologist to weigh the confined and therefore comparatively less dry sponges, in single or stacked containers, to obtain a more accurate estimate of blood loss during surgery. Alternatively, the transparent material of the container 10 and cover 80 permit a doctor to visually inspect the blood-soaked sponges confined in their containers to assess the blood loss.

FIG. 2 is a drawing of the cover 80 positioned under the container 10 as a convenient way of keeping them together, without contacting sterile contents or surfaces, before covering the soiled sponges. The tapered cover wall 30 is designed to loosely fit around the container wall 22, which is also tapered downwards to the container floor 34. In this position, the floor 34 rests comfortably on the inside surface of the cover top 32, and the container wall 22 adjoins the inside of the cover wall 30. The container flange 20 and the cover flange 28 and perimeter edge 26 extend out for easy separation of container and cover.

The non-sterile circulating nurse, usually using a gloved hand (not shown) and a sponge stick 38, picks up one soiled sponge 40 by its attached indicator tape 16 from the bucket. She places the soiled sponge 40 on the floor 34 and inserts its indicator tape 16 into a groove 42 formed along one length of the container wall 22. The groove 42 runs vertically upwards along the wall 22, stopping a fraction of an inch below the flange 20, so as not to interfere with the sealing of this flange by the laminating film 18. The groove 42 is itself formed as an outward protrusion of container wall 22 by two sides 44 and 46 extending the single compartment 12 outwards. The width of the groove 42 along the wall 22 is about the width of the sponge stick clamp 48 ( $\frac{1}{2}$  inch) and the width of the sides 44 and 46 are about the same size.

Once the nurse has inserted the indicator tape 16 into the groove 42, the main bulk of the soiled sponge 40 forms the fourth wall of the groove 42 to hold the indicator tape 16 in its inserted visible position in groove 42.

The closing of the container 10 by the cover 80 confines the discarded sponges 40 within the compartment 12 to prevent contamination of the operating room environment. The situation of the grooves 42 along one length of the container wall 22 is such that each groove is located in the middle of five approximately equal divisions of the wall length, so that five equally spaced, visually clear, serially numbered and well differentiated specific segments are seen from the outside of the container for counting. The tub floor 34 has four small protrusions 50 located near its four corners for stacking containers, one on top of the other.

These last few features are better seen in FIG. 3 with the container 10 being covered by the cover 80. The protrusions of the tub floor mentioned above fit the protrusions 52 formed in the cover top surface 32 to allow the containers to be stacked, and this arrangement is shown as 54. The five counting locations in the wall 22 are serially numbered from the outside with a number 56 from one to five. The inserted indicator tape 16 of each sponge, blue in colour, will be clearly distinguished behind the number 56 against a white or blood-soaked red sponge. It may be more desirable to mottle the areas 58 between the grooves 42 along this one length of the wall 22 so that the transparent grooves are more differentiated for counting the indicator tape 16. It can be done by simply texturing the inner surface of the mold. Once all the counts, blood loss estimates and other procedural requirements are over, the containers are disposed, their contents safely counted and contained in the original package in which they were initially delivered for use in the surgical procedure.

The main part of the container is a single compartment 12, vacuum formed in its preferred embodiment from a transparent, semi-rigid, thermoplastic material on a packaging machine, to hold clean surgical sponges. When a sterile package is required, the compartment 12 is sealed around the container flange 20 by the same machine with a layer of coated paper or laminated film 18, which is peeled off completely for the removal of its contents. Various surgical products are presently available in such a package. After removal of the clean sponges, the improvement to the container utilizes the same compartment as a receptacle to hold discarded sponges for counting their attached indicator tapes 16 inserted in special locations 42.

In its preferred embodiment, a covering lid 80 is separately vacuum formed from a similar material as the container. However the container and cover may be formed together with a hinge instead of being separate. The container may also be used without any cover at all. It will still hold, count and dispose the taped sponges. When present as a separate or hinged part, the perimeter edge 26 of the cover has the same configuration as the container flange 20 and is slightly larger to become a friction fit enclosure on closing. While functioning as a sterile package, the cover protects the film for sterile contents from dust and damage. After removal of the original contents, it confines and contains the counted sponges, while allowing the containers to be neatly stacked and safely disposed.

The single compartment 12 is shaped to hold the desired number of sponges without any divisions. The cover is similarly without divisions. However, there are

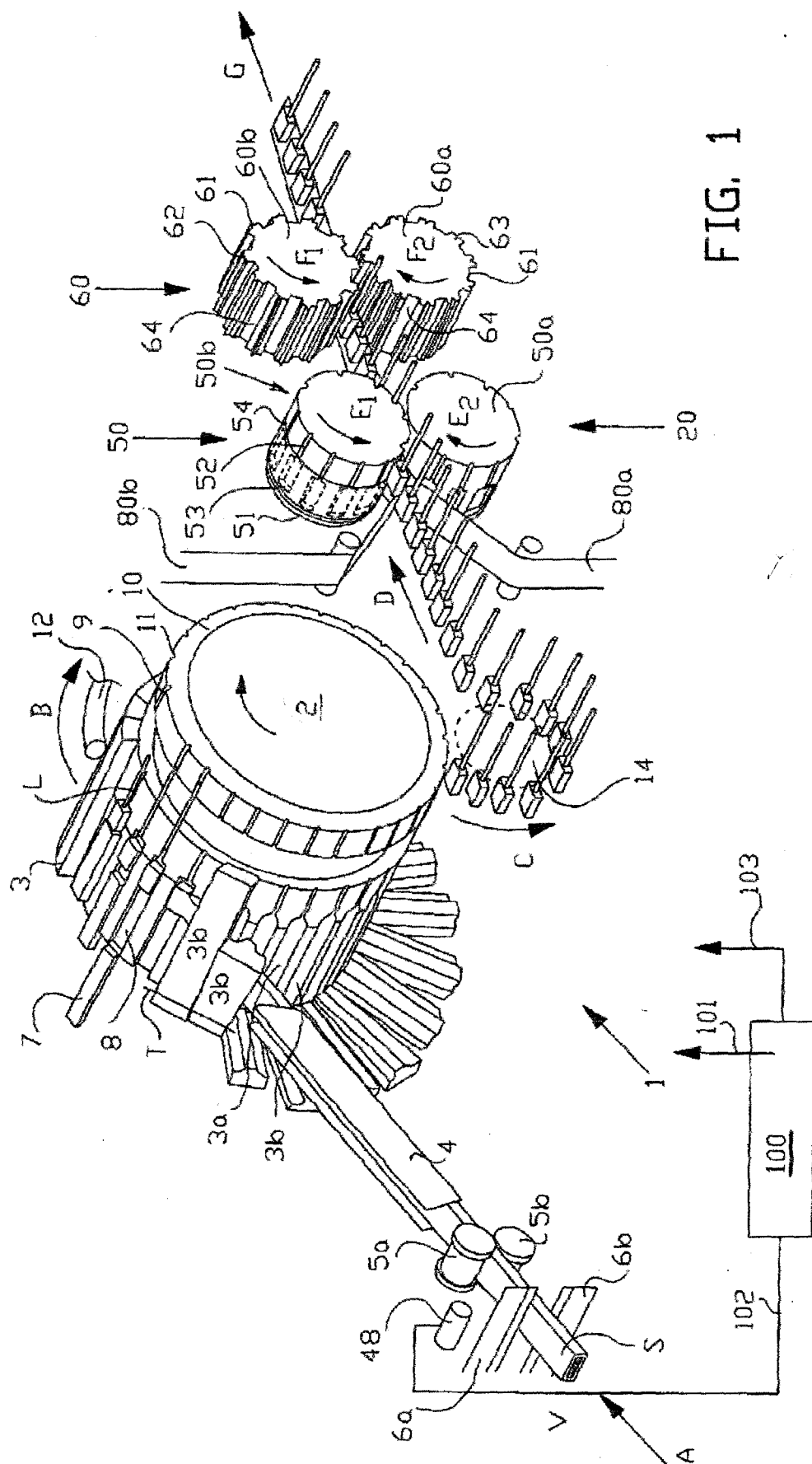


FIG. 1

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a similar number of tape insertion locations as sponges packaged. These location means may be situated in either the container or the cover or the hinge, if the two are connected, and may be formed as grooves, hooks or retaining slots. In the preferred embodiment, the location means are shown as grooves along one length of the container wall. However, an automated process for die cutting the container on a packaging machine would lend itself well for locating die cut slots that retain the indicator tapes 16 along one extended edge of the container flange length or in the hinge, but away from the sealing surface flange area 20 shown in the figures.

The technique of inserting the tape for counting is specially convenient for the nurse as it is the present practice to pick a sponge by its tape for identifying and separating, prior to counting. It is therefore particularly important that the location design for inserting the tape with a sponge stick or gloved hand, and release the tape in a visible position, permits this action to be done easily by the circulating nurse.

The method of counting in the operating room is for the circulating nurse to pick up one discarded sponge from the bucket by its tape, show it to the scrub nurse and place it in the container, inserting the counted tape into one location in a sequential manner as a single count. Because of the clarity of the material of the container and cover, the inserted tapes in their respective locations are plainly visible from the outside for verifying the count, even after the cover is closed.

From this description it can be seen that an excellent surgical package is turned into a counter by the tape location means. Once each sponge is separately counted and their corresponding tape inserted into one viewing location, the cover is placed into position to form a completely enclosed container that confines, contains and disposes soiled sponges, while showing their tapes for repeated counts to be made during the entire surgical procedure. The closed containers may be neatly stacked and without being moved, will continue to show the tapes for counting at any time. As the closed cover is simple to open, the enclosed sponges may be removed from the container for a total recount, if required due to an error detected in tallying the count.

The foregoing is a description of a preferred embodiment of the invention which is given here by way of an

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example only. The invention is not to be taken as limited to any of the specific features described, but comprehends all such variations thereof as come within the scope of the appended claims.

What is claimed is:

1. A single compartment container for packaging clean surgical sponges, each with one attached indicator tape, after the removal of which said clean sponges, the container is used as a receptacle to hold, count and dispose the same number of discarded sponges with said attached indicator tapes as said clean sponges originally packaged, wherein the improvement comprises:

location means to insert one said attached indicator tape of each said discarded sponge;  
the location means being the same in number as said clean sponges originally packaged;  
said number of the location means being distinctly separated from each other for counting the inserted said attached indicator tapes of said discarded sponges.

2. A single compartment container for packaging clean surgical sponges, each with one attached indicator tape, after the removal of which said clean sponges, the container is used as a receptacle to hold, count, confine and dispose the same number of discarded sponges with said attached indicator tapes as said clean sponges originally packaged, wherein the improvement comprises;

A cover of approximately the same shape and size as the outer perimeter of the container to form an enclosure for confining said discarded sponges; the cover being a separate part to the container;  
and location means in the container to insert one said attached indicator tape of each said discarded sponge;  
the location means being the same in number as said clean sponges originally packaged;  
said number of the location means being distinctly separated from each other for counting the inserted said attached indicator tapes of said discarded sponges.

3. A container as claimed in claim 1 or 2 with a sealing means to maintain the sterility of the single compartment and said clean sponges until opened or damaged.

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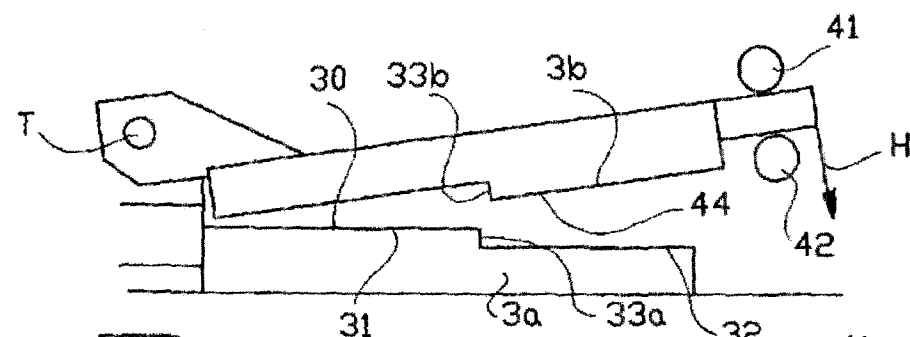


FIG. 2B

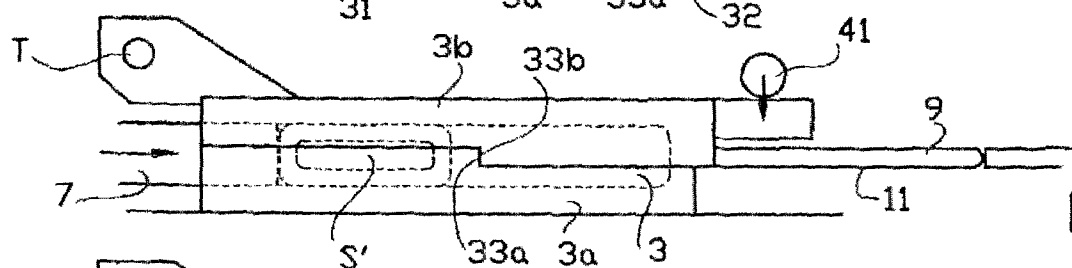


FIG. 2C

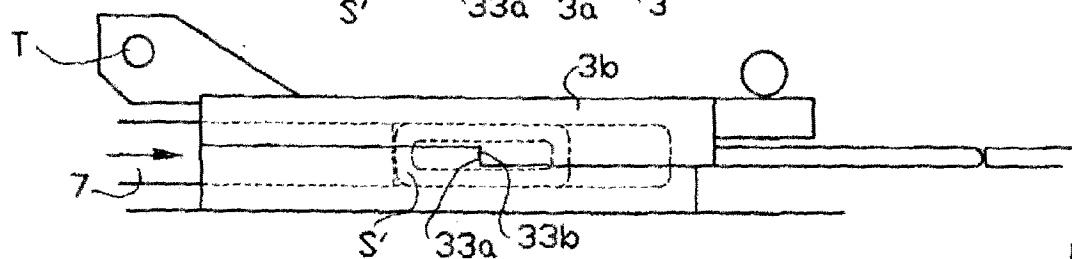


FIG. 2D

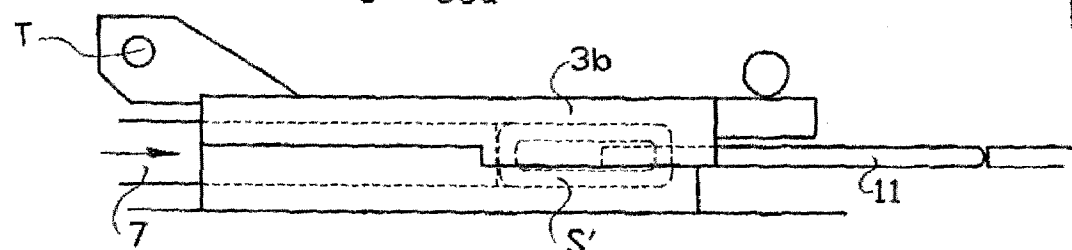


FIG. 2E

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presentan (según el autor) con los paquetes convencionales para artículos absorbentes de este tipo es que para obtener un almacenamiento higiénico de los artículos, estos deben estar envueltos de una manera sencilla que al mismo tiempo se hace complicada como elaboración, proceso de ingeniería y costosa porque cada elemento debe ser envuelto en material plástico. Además los artículos son doblados en relación con la envoltura simple para hacerlos mas pequeños de tamaño. El doblar complica la elaboración y puede tener un efecto negativo sobre la capacidad de absorción de líquido y le da una apariencia menos atractiva al producto. Por ultimo los empaques tradicionales no son adecuados para ser transportados en bolsas de mano o similares debido a que se rompen con mucha facilidad hecho que puede llevar a que los artículos terminen fuera del empaque.

Para solucionar estos inconvenientes el autor propone un empaque con un espacio de almacenamiento que tiene una forma que corresponde esencialmente con la forma que la pila de productos tiene al ser empacado, el empaque incluye una tapa que produce un sello hermético entre las paredes del recipiente y la tapa con el fin de evitar que la suciedad, polvo o similares penetren dentro del paquete y una propiedad importante que el autor dice agregar al producto consiste en que este recipiente es a prueba de golpes y se forma de tal manera que la tapa quede fija y no se abra durante el transporte esto quiere decir que el paquete no se deforma en un grado considerable bajo las cargas a las que puede ser sometido durante el uso normal, para lograr esta característica el autor propone materiales como plástico (poliestireno, polivinilo, polietileno, polipropileno y tereftalato de polietileno). Para mejor visibilidad del producto el diseño de la solicitud revela la utilización de un material transparente o semitransparente o por ejemplo el disponer de una ventana sobre el empaque a través de la cual se posible ver la disponibilidad del producto.

- El objeto de la invención se catalogó como **B65D 75/58** según la Clasificación Internacional de Patentes (IPC.).

### 3. De la solicitud de Patente

#### 3.1. Reivindicaciones (artículo 30 D 486)

Después de estudiar toda la solicitud se hacen las siguientes observaciones:

- En la reivindicación uno esta caracterizando el empaque de artículos absorbentes por el producto, hecho que no es admitido por lo tanto el solicitante debe eliminar las expresiones de la reivindicación uno (1): "una pluralidad de artículos absorbentes....., dicha pluralidad de artículos absorbentes tiene longitudes iguales", "de modo correspondiente relativas a la forma redondeada de manera tal que los artículos absorbentes se extienden por encima de la superficie superior de orilla de dicha parte de recipiente exhiben una forma cóncava", ya que no se puede pretender proteger un empaque para productos de aseo con dicho producto.
- Además la reivindicación uno menciona: "de forma tal que el espacio de almacenamiento tiene la forma de la pila permitiéndole así al usuario tomar mas fácilmente el mas externo de dichos artículos absorbentes" la expresión anterior señala un efecto producido al insertar el producto dentro del recipiente y ventajas técnicas a alcanzar. Estas ventajas, efectos y/o

## UNITED STATES PATENT OFFICE

2,688,940

## MACHINE FOR MOLDING PLASTIC ARTICLES

Louis H. Zeun, Naugatuck, Conn., assignor to  
Peter Paul, Inc., Naugatuck, Conn., a corpora-  
tion of Delaware

Application March 22, 1951, Serial No. 216,995

5 Claims. (Cl. 107-8)

1

This invention relates to a machine for molding plastic articles, such as candy molding machines.

The particular machine in connection with which the improvement has been developed and worked out, is the candy molding machine illustrated in Patent No. 2,000,027. In this machine the candy filling is pressed from a hopper by a ram or plunger into dies or mold cavities in the periphery of a drum or carrier.

In order to get a uniform product, the filling or plastic substance must be fed under uniform pressure whether the candy or filling in the hopper is at one level or another. In other words, the pressure on the ram and on the candy or plastic filling engaged and fed by the ram must be always maintained the same.

This invention has for its salient object to provide means for pressing or feeding a plastic substance or candy into molds or dies so constructed that a uniform pressure will be maintained on the feeding or pressing means.

Another object of the invention is to provide a machine of the character described, so constructed and arranged that the production per machine will be materially increased and the product will be uniform.

Further objects of the invention will appear from the following specification taken in connection with the drawings which form a part of this application, and in which:

Fig. 1 is a vertical, sectional elevation through the machine showing the hopper, drum and discharge belt;

Fig. 2 is an end elevation showing the drive for the drum and showing the hopper feed control cylinder in section;

Fig. 3 is an elevational view, partly broken away, at right angles to Fig. 2 and showing the hopper feed;

Fig. 4 is an enlarged sectional elevation of one of the cylinders; and

Figs. 5 and 6 are sectional elevations taken substantially on lines 5-5 and 6-6 of Fig. 4, looking in the direction of the arrows.

The machine particularly illustrated in the drawings is similar to that shown in Patent No. 2,000,027 above referred to and comprises a drum or cylinder 20 mounted on a shaft 21. Shaft 21 has also mounted thereon a disk 22 having a plurality of rollers 23 mounted thereon.

The rollers 23 engage a spiral groove 24 in a worm 25 on a shaft 26, which is driven by a bevel gear driving connection 21, 28 from a shaft

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29, which is the main drive shaft and is driven by any suitable source of power.

The drum 20 has mounted in its periphery a plurality of candy molds or dies or die bars 30 having openings to receive the candy filling or plastic material from the hopper 31 mounted above the drum and having a discharge opening or port 32 which is adapted to register with the dies.

The bottoms of the dies or molds are closed by plunger heads 33 mounted on plungers 34. The plungers 34 of each set are mounted on a horizontal bar 35 secured by bolts 36 and each bar 35 carries rollers 37. Each plunger 34 has a spring 38 which engages bar 35 and normally forces the plungers inwardly to dispose the plunger heads 33 inwardly of the mold cavity 30. The positions of the heads in the mold filling position are controlled by adjustable cams 40 which engage the rollers 37 on the ends of bars 35.

When the molds reach discharging position at the bottom of the drum travel, the rollers 37 engage cams 41 which cause the plunger heads 33 to eject the candy filling from the mold cavities onto a belt 42.

The structure above described is illustrated in detail in the patent above referred to and further illustration in this application is not deemed necessary.

After the material has been discharged from the mold cavities, the drum periphery and molds are washed and cleansed by water or liquid spray from a pipe 43 which extends across the width of the drum and has a series of spray openings 44 to direct the water against the drum and into the mold cavities. To prevent the liquid from running downwardly on the drum, a wiper blade 47 engages the drum periphery below the spray pipe 43. Above the pipe 43 is mounted an air pipe 45 having openings 46 adapted to direct air against the drum and into the mold cavities. The air may be heated, if desired.

A scraper blade 47a is mounted above the pipe 45 and engages the drum periphery to remove therefrom any residue of candy filling. Any material removed by the water spray or wiper and scraper blades drops into a tray 48 disposed below the drum. The liquid drains through the perforated tray bottom into a pan 50.

The salient feature of the present invention resides in the pressure feed for the filling from the hopper into the mold cavities. It is essential for a uniform product that this feed be accomplished under uniform pressure. In the patent

58 88

Sept. 14, 1954

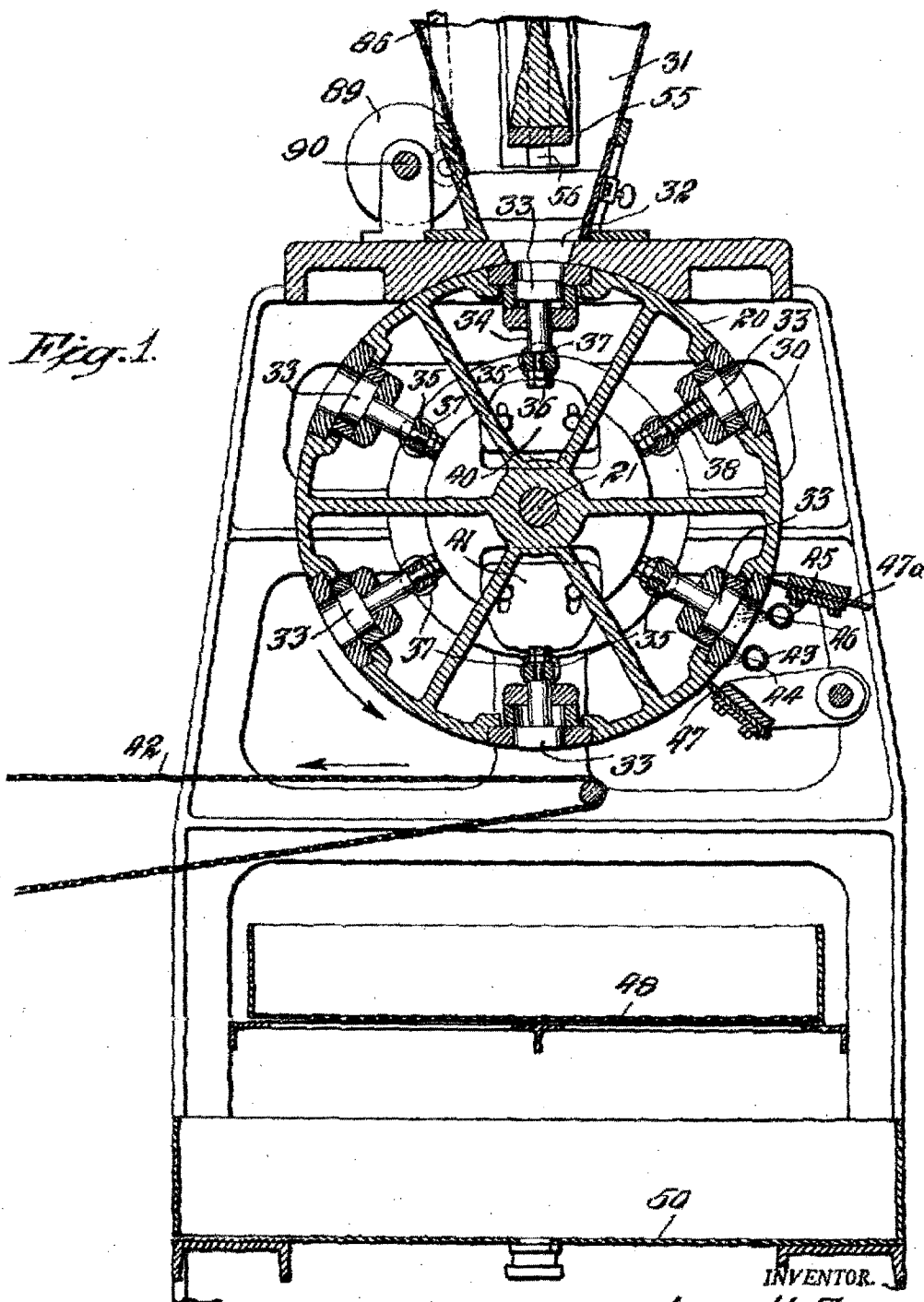
L. H. ZEUN

2,688,940

MACHINE FOR MOLDING PLASTIC ARTICLES

Filed March 22, 1951

3 Sheets-Sheet 1



INVENTOR.  
LOUIS H. ZEUN  
BY  
*Arthur W. Hawley*  
ATTORNEY

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO  
DIRECCION DE NUEVAS CREACIONES

202086  
Bogotá, D.C.,

Abogado (a)  
**HUMBERTO RUBIO CAMACHO**

|        |            |           |
|--------|------------|-----------|
| ASUNTO | Radicación | 07-047188 |
|        | Trámite    | 011       |
|        | Evento     | 379       |
|        | Actuación  | 430       |
|        | Oficio     | 09-13188  |
|        | Folios     | 09        |

|                                 |                                     |                               |                                     |
|---------------------------------|-------------------------------------|-------------------------------|-------------------------------------|
| Patente de Invención            | <input checked="" type="checkbox"/> | Patente de Modelo de Utilidad | <input type="checkbox"/>            |
| Vía Nacional                    | <input type="checkbox"/>            |                               |                                     |
| Vía PCT (fase nacional)         | <input checked="" type="checkbox"/> | Cap. I                        | <input type="checkbox"/>            |
|                                 |                                     | Cap. II                       | <input checked="" type="checkbox"/> |
| No. Sol. Internacional          | PCT/NL2005/000805                   |                               |                                     |
| Fecha de Presentación Internal. | 21-11-2005                          |                               |                                     |

Como resultado del examen de fondo, realizado conforme a lo establecido por el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

**1. Documentos estudiados**

|                   |                                  |
|-------------------|----------------------------------|
| Descripción:      | Folios: 20 a 45                  |
| Reivindicaciones: | Folios: 46 a 54, 75 a 79         |
| Dibujos:          | Folios: 56 a 64                  |
| Prioridad:        | Folios: 5 a 19                   |
|                   | 01-11-2004. PAISES BAJOS 1027556 |

**2. Objeto de la invención**

- Título de la solicitud: "DISPOSITIVO PARA FABRICAR CAMELOS EN ESPECIAL CHUPETINES" (folio 1).
- Objeto de la invención: Según el autor existe la necesidad de hacer una adecuada limpieza de los moldes de fabricación de dulces ya que después del proceso de formado se acumulan materiales como el azúcar que son bastante agresivos para la superficie de los moldes, ya que las conexiones móviles pueden atascarse o endurecerse evitando que los moldes cierren adecuadamente.

El solicitante propone entonces un sistema de fabricación de dulces por medio de moldes que contiene adicionalmente varios sistemas de

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vaporización para suministrar líquido presurizado con lo cual el material e dulce puede ser removido con mayor facilidad.

- El objeto de esta invención se clasifico como A23G3/08 según la Clasificación Internacional de Patentes (IPC.).

### 3. De la solicitud de Patente

#### 3.1. Descripción (artículo 28 D. 486)

Después de realizar el estudio completo de la solicitud, se hacen las siguientes observaciones a este capítulo:

- En aras de la claridad de la solicitud se sugiere al solicitante mejorar la redacción del título en especial, cambiar la expresión “chupetines” por un término adecuado.

#### 3.2 Reivindicaciones (artículo 30 D 486)

Después de realizar el estudio completo de la solicitud, se hacen las siguientes observaciones a este capítulo:

- Se sugiere al solicitante incluir entre paréntesis ( ) los números de referencia de cada uno de los elementos que hacen parte de la invención, de acuerdo con la numeración empleada en los dibujos (figuras 1 a 5), con el fin de hacer mas fácil y sencilla la comprensión de la materia objeto reivindicada.
- El solicitante en el ultimo capítulo reivindicatorio presentado (folios 75-79) omitió parte del contenido de la reivindicación 22, se sugiere al solicitante tener cuidado al redactar y presentar un nuevo capítulo.
- Teniendo en cuenta que las reivindicaciones deben ser claras igual que su dependencia, se sugiere al solicitante no utilizar expresiones como “en caso de subordinación a la reivindicación..” que se repite permanentemente dentro de este capítulo (9, 11, 13, 15, 17 y 18).

### 4. Determinación del Estado de la Técnica

Teniendo en cuenta que la fecha de prioridad reivindicada es 01-11-2004, se encontraron los siguientes documentos relevantes:

| N. | Documento   | Título                                                            | Fecha de pub. |
|----|-------------|-------------------------------------------------------------------|---------------|
| D1 | WO03/043436 | DEVICE AND METHOD FOR<br>MANUFACTURING AND PACKAGING<br>LOLLIPOPS | 30-05-2003    |
| D2 | US2688940   | MACHINE FOR MOLDING PLASTIC<br>ARTICLES                           | 14-09-1954    |

## 5. Análisis de patentabilidad (artículo 14 D486)

### 5.1 Novedad (artículo 16 D486)

El estudio se realizó comparando elemento por elemento de la invención tal como esta definida en la reivindicación uno (1, folio 39) con el documento D1, encontrando que el mencionado documento revela la mayoría de los elementos y características de dicha reivindicación:

*Reivindicación Uno (1, folio 75):* Un dispositivo para fabricar caramelos, en particular chupetines, que comprende una serie de conjunto de moldes impulsados de manera que puedan circular.

D1: Ver: elementos 1, 2, figura 1.

*Reivindicación Uno (1, folio 75):* la serie de conjuntos de moldes comprende una serie de moldes inferiores y una serie de moldes superiores, los moldes inferiores y los moldes superiores pueden recíprocamente desplazarse entre una posición bajo la cual se ponen en contacto entre sí, en la que un molde en cuestión se cierra, y de ese modo el extremo principal de un filamento del material del chupetín y el moldeado del material del chupetín se convierte en una cabeza del chupetín y una posición de abertura, en la que el molde se abre y es posible introducir material de caramelo en él.

D1: Ver: elementos 3a, 3b figuras 1, 2b, 2d.

*Reivindicación Uno (1, folio 75):* así como un medio dispuesto en el dispositivo de modo que permanezca sustancialmente fijo en relación con la serie circulante de moldes en orden a liberar uno mas chorros presurizados de fluido sobre ambos moldes para el tratamiento de al menos una parte de su superficie.

D1: Ver: elementos 3a, 3b figuras 1, 2b, 2d.

La diferencia entre la materia reclamada en la solicitud y el documento D1, es que este NO REVELA un sistema de presurización de fluido sobre ambos moldes.

De lo anterior se puede deducir que la solicitud tal como fue definida en la reivindicación independiente uno ES NUEVA y cumpliría con lo estipulado en el artículo 16 de la Decisión 486 de la Comisión de la Comunidad Andina de Naciones.

### 5.2 Nivel Inventivo (artículo 18 D486)

Continuando con el estudio, las reivindicaciones uno, tres, cinco, y siete (1, 3, 5 y 7 folios 75-76) definen un medio de distribución de fluido y vaporización dispuesto en la trayectoria de ambos moldes para suministrar líquido presurizado sobre ellos. Esta configuración en un conjunto de moldes fue revelada por D2 que sugiere y demuestra esta disposición (Ver en D2: elementos 44, 46, 43, 47, 45, 47, figura 1, columna 2 fila 29 a 43).

Así las cosas, la solicitud se vería afectada por nivel inventivo ya que no sería difícil para un experto en la materia tomar como base el mecanismo para fabricar dulces compuesto por un conjunto de moldes inferiores y superiores revelado por D1

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dándole a este una configuración y medios de distribución de líquido y vapor para ser liberados en chorro sobre los moldes obteniendo una adecuada limpieza de los mismos sin necesidad de desmontarlos y transportarlos a otro lugar. Hecho que no constituye un resultado sorprendente e inesperado y que por el contrario se ubica en el desarrollo normal de la tecnología. El análisis anterior permitiría afirmar que la presente solicitud no cumpliría con lo estipulado en el artículo 18 de la Decisión 486 de la Comisión de la Comunidad Andina de Naciones.

**6. Conclusión:**

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

| N° | Documento N° | Reivindicaciones afectadas | Requisito que afecta |
|----|--------------|----------------------------|----------------------|
| D1 | WO03/043436  | 1-22                       | NIVEL INVENTIVO      |
| D2 | US2688940    | 1-22                       | NIVEL INVENTIVO      |

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 sesenta (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  
08 OCT. 2010

|                          |                                        |
|--------------------------|----------------------------------------|
| CONCEPTO TÉCNICO No 3313 | EXAMINADOR TÉCNICO<br>Código No.202086 |
|--------------------------|----------------------------------------|

*AKL*