

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-044468- -00002-0000

Fecha 2007-06-15 16 30 41 Dep 2020 NUECREACIONE
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Act 329 CTOINFORMACION Folios 12

Clarke, Modet & C^o

COLOMBIA

SEÑORES
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
E S D.

REF. EXPEDIENTE No. 07044468
FECHA DE LA SOLICITUD mayo 4, 2007
SOLICITANTE: JOHNSON DIVERSEY, INC
TITULO MÉTODO PARA LA LIMPIEZA DE RECIPIENTES PARA
RECICLADO

ASUNTO PRESENTACIÓN DE DOCUMENTOS

DILIA RODRIGUEZ D'ALEMAN, en mi condición de apoderada de la sociedad
solicitante, por el presente escrito me permito presentar los siguientes
documentos:

- IPRP Capítulo I.

Ruego a usted continuar con el presente trámite.

Señor Jefe,


DILIA RODRIGUEZ D'ALEMAN
AD/srr
P. 926

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MAY 25 2007
PCT

PATENT COOPERATION TREATY

PCT/US2005/039598

From the INTERNATIONAL BUREAU

To.

RJR

JOHNSON DIVERSEY, INC
8310 16th Street - M/S 509
Sturtevant, WI 53177
ETATS-UNIS D'AMERIQUE

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

(PCT Rule 44bis.1(c))

Date of mailing (day/month/year)
18 May 2007 (18 05 2007)

Applicant's or agent's file reference
JD-600A WO ✓

IMPORTANT NOTICE

International application No.
PCT/US2005/039598 ✓

International filing date (day/month/year)
02 November 2005 (02 11.2005) ✓

Priority date (day/month/year)
03 November 2004 (03.11.2004)

Applicant

JOHNSON DIVERSEY, INC et al

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

1 PRP to leave
Response Due: 18 June 2007
+ Zink move

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

Facsimile No +41 22 338 82 70

Authorized officer

Philippe Becamel

e-mail pt12.pct@wipo.int



X

MAY 25 2007

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference JD-600A WO	FOR FURTHER ACTION		See item 4 below
International application No PCT/US2005/039598	International filing date (day/month/year) 02 November 2005 (02.11.2005)	Priority date (day/month/year) 03 November 2004 (03.11.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant JOHNSON DIVERSEY, 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 10 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 08 May 2007 (08.05.2007)
	Authorized officer Philippe Becamel e-mail pt12.pct@wipo.int

Form PCT/IB/373 (January 2004)

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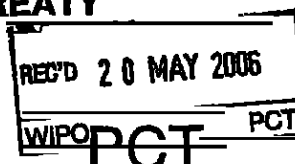
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PATENT COOPERATION TREATY

MAY 25 2007

From the
INTERNATIONAL SEARCHING AUTHORITY



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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/US2005/039598

International filing date (day/month/year)
02.11.2005

Priority date (day/month/year)
03.11.2004

International Patent Classification (IPC) or both national classification and IPC
INV C11D11/00 C11D7/36 C11D7/26 C11D7/32 C11D7/16 C03C23/00

Applicant
JOHNSON DIVERSEY, 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 88 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:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 861 epo nl
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Authorized Officer

Neys, P

Telephone No. +31 70 340-4183



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/039598

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/US2005/039598

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial
applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 28-30

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 28-30

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/039598

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.

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	7-27
	No: Claims	1-6,28-45
Inventive step (IS)	Yes: Claims	18-20,22,27
	No: Claims	1-15,21,23-26,28-45
Industrial applicability (IA)	Yes: Claims	1-27,31-45
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item IV.

The separate inventions are:

Invention I: claims 1-27 and 31-45

Aqueous rinse solution comprising water and a heavy metal chelating agent, which comprises at least an amine, a carboxylic acid functional group, or a phosphorous-oxygen functional group, and a method for cleaning glassware which uses the aqueous rinse solution.

Invention II: claims 28-30

A glass container which exhibits less than 100 ppb of a heavy metal in a 500ppm phosphoric acid test solution stored in the cleaned container for at least 10 minutes.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The two groups of inventions are not linked by a single general inventive concept, since two different problems are solved: (1) providing an aqueous rinse solution and a method for using it to clean recycled glass containers; and (2) a glass container exhibiting a low amount of heavy metals. The application lacks unity a priori. The application must be divided according to the two groups of inventions, each characterized by its own technical feature. In the present application no further technical features can be distinguished that could be regarded as 'special technical features' involved in the technical relationship among the different inventions.

Re Item V.

Reference is made to the following documents:

D1: US-B1-6 420 326
D2: WO 00/56851 A
D3: WO 2004/024857 A
D4: EP-A-0 844 301
D5: WO 98/18575 A
D6: WO 97/48927 A
D7: WO 97/43372 A
D8: US 2003/083216 A1
D9: WO 98/59027 A
D10: WO 98/00485 A
D11: WO 99/46358 A
D12: WO 2004/027001 A
D13: WO 95/02674 A
D14: WO 97/38079 A

Opinion on claims 1-27, 31-45:

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

D1-D8 and D13 (relevant passages see search report) disclose aqueous compositions with a pH in the range of 4 to 11 and comprising a chelating agent, as described in claim 1 of the application.

The compositions of D1-D3 and D13 further comprise an organic acid and those of D5 an inorganic acid.

Further, the term 'consisting essentially of' used in claim 1 is unclear (Article 6 PCT) and therefore puts no restriction on further compounds being present or not in the composition. Moreover, in dependent claims further compounds like an acid or buffer are added.

2. The features of the dependent claims 2-6 are also disclosed in at least one of the documents D1-D3, D5 and D13.

3. D1-D8 and D13 are also novelty destroying for independent claims 31, 37 and 45 (see reasoning under Item V.1).

Further, D9-D12 (relevant passages see search report) disclose aqueous compositions comprising a chelating agent as described in claim 1 of the application.

The subject-matter of claims 31, 37 and 45 are therefore also not novel in view of D9-D12.

4. The features of the dependent claims 32-34, 36 and 38, 40-43 are also disclosed in at least one of the documents D1-D8 and D13 and thus not novel.

5. The further presence of a buffer is disclosed in D1, which is therefore novelty destroying for claim 44.

6. Further, the subject-matter of claims 35 and 39 is seen as not inventive (Article 33(3) PCT) in view of any of the documents D1-D13, since adding a buffer to control the pH is a normal practice in the field of aqueous cleaning solutions (see D1 and D3).

7. D13 discloses a method for cleaning a glass surface comprising the steps of (1) exposing the surface with a acidic, neutral or caustic solution; (2) rinsing the surface with an aqueous composition comprising an amino group containing polyacrylate copolymer as chelating agent.

A skilled person would select the caustic cleaning step for glass bottles as it is a normal design procedure as described in D14.

The subject-matter of claim 7 is therefore not inventive in view of D13 alone or in combination with D14.

8. The features of the dependent claims 6-21 and 23-26 are also disclosed in D13 and thus not inventive.

9. The addition of a buffer is common practice in the field of aqueous cleaning solutions (see D1 and D3) and therefore the subject-matter of claim 27 is not inventive in view of

D13.

Opinion on claims 28-30:

1. The subject-matter of claims 28-30 is a 'product-by-process' type of claim. This type of claim is only allowed if the product as such is novel.

However, every unused glass container would exhibit less than 100 ppb of a heavy metal in a 500 ppm phosphoric acid test solution and therefore fall under the scope of claim 28-30.

The subject-matter of claims 28-30 is therefore not novel.

2. D14 (relevant passages see search report) discloses a caustic anti-etch bottle wash solution for washing glass bottles comprising sodium hydroxide, a crystal growth inhibitor and a chelant selected from gluconates, glucoheptonates and boroheptonates. The problem solved by using the solution of D14 is preventing the dissolution of the glass and hereby preventing that impurities that are present in the glass, i.e. heavy metals, are deposited on the glass.

Since D14 counters the same problem as the application, the glass bottles cleaned with the compositions of D14 will fulfil the criterium set out in claims 28-30.

The subject-matter of claims 28-30 is thus also not novel in view of D14.

Re Item VIII.

1. It is clear from the description on page 6, lines 4-13 that the following feature is essential to the definition of the invention:

the rinse solution should have a pH of at least 4 but not more than 11

Since independent claims 31, 37 and 45 do not contain this feature they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that

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

International application No.

PCT/US2005/039598

any independent claim must contain all the technical features essential to the definition of the invention.

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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Act 411 PRESENTACION Folios 75



Industria y Comercio
SUPERINTENDENCIA

**REQUISITOS MINIMOS PARA ADMISION A TRAMITE
PCT**

PATENTE DE INVENCION ☒

MODELO DE UTILIDAD ☐

- ♦ Indicación de que se solicita la concesión de una patente ☒
- ♦ Datos de identificación del solicitante o de la persona que presenta la solicitud ☒
- ♦ Descripción de la invención ☒
- ♦ Dibujos de ser estos pertinentes ☒
- ♦ Comprobante de pago de las tasas establecidas ☒

COMPLETA ☐

INCOMPLETA ☐

DISEÑO INDUSTRIAL ☐

- ♦ Indicación de que se solicita el registro de Diseño Industrial ☐
- ♦ Datos de identificación del solicitante o de la persona que presenta la solicitud ☐
- ♦ Representación gráfica y fotográfica del Diseño Industrial o muestra del material que incorpora el diseño ☐
- ♦ Comprobante de pago de las tasas establecidas ☐

COMPLETA ☐

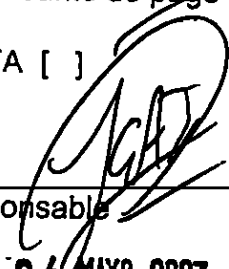
INCOMPLETA ☐

ESQUEMA DE TRAZADO ☐

- ♦ Indicación de que se solicita el registro de un Esquema de Trazado ☐
- ♦ Datos de identificación del solicitante o de la persona que presenta la solicitud ☐
- ♦ Representación gráfica del esquema trazado ☐
- ♦ Comprobante de pago de las tasas establecidas ☐

COMPLETA ☐

INCOMPLETA ☐

Firma Responsable 

04 MAYO 2007

Fecha

Carrera 13 No 27-00 Piso 5, 7 y 10
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E-mail info@sic.gov.co
www.sic.gov.co
Bogotá, D.C , Colombia

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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Bogotá,
2020

Doctor(a)
RODRIGUEZ DILIA MARIA
Apoderado(a) y/o Representante de
JOHNSON DIVERSEY, INC

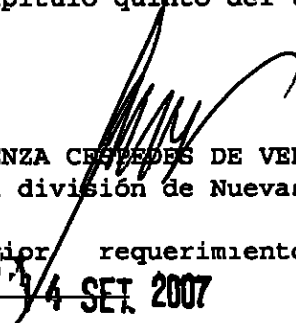
REFERENCIA	Radicación No.	7 44468
	Solicitud internacional	PCT/US2005/039598
	Fecha inicio fase nacional	03/06/07
	Trámite	11
	Evento	378
	Actuación	430
	Oficio No.	011335

Como resultado del examen de forma, realizado con fundamento en el artículo 38 de la Decisión 486 de la Comisión de la Comunidad Andina, artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la Superintendencia de Industria y Comercio, se le comunica que:

1. La solicitud no contiene la copia del documento en que consta la cesión del derecho a la patente del inventor al solicitante o a su causante. (Art. 26-k) Decisión 486. Cuando se trate de documentos otorgados en el extranjero, deben legalizarse de conformidad con lo dispuesto por los artículos 259 y 260 del Código de Procedimiento Civil.

En cumplimiento de lo dispuesto por el artículo 39 de la Decisión 486, se le requiere para que dentro del término de dos meses siguientes a la fecha de notificación del presente oficio, complete los requisitos anteriormente enunciados. En caso de no dar cumplimiento al presente requerimiento, la solicitud se considerará abandonada y perderá su prelación.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo quinto del título primero de la Circular Unica No.10 de 2001.


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

El anterior requerimiento fue notificado por fijación en lista de
fecha 14 SET 2007
jfernand