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Clarke, Modet & C^o
COLOMBIA

ESCOBAR - URIBE ASOCIADOS
Intellectual Property

As. 3053/PCT.

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

E. S. D.

Ref.: Expediente No. 07.033.227
Solicitud de Patente a nombre de
ETHICON, INC.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



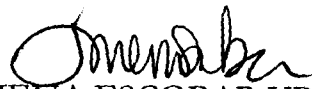
No. 07-033227- -00003-0000

Fecha: 2008-05-15 15:09:53 Dep. 2020 NUECREACIONE
Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

Yo, **JIMENA ESCOBAR URIBE**, identificada como aparece al pie de mi firma, domiciliada en Bogotá, en la Carrera 11 No. 86-53, piso 6, obrando como apoderada de la sociedad **ETHICON, INC.**, con domicilio en Somerville, New Jersey, Estados Unidos de América, solicitante de la patente de la referencia, pido a usted que se proceda a examinar si la invención, cuya patente se tramita en el expediente de la referencia, es patentable.

Adjunto al presente memorial los recibos Nos.08-33,816 de 25 de abril de 2008, 08-33,830 de 25 de abril de 2008, 08-33,833 de 25 de abril de 2008, 08-26,847 de 3 de abril de 2008, 08-35,608 de 6 de mayo de 2008, por la suma de \$420.000.00, con lo cual queda cubierta la tasa oficial correspondiente a dicho estudio.

Señor Superintendente,


JIMENA ESCOBAR URIBE
C.C.39.779.452 de Usaquén
T.P. 68.228



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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-033227- -00003-0000

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Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 33,816
FECHA : ABRIL 25 DE 2008

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	693033	25/04/2008	33,008,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO	
1	50005-01-06	REGISTRO DE CESION, CAMBIO NOM	13 NOMBRES Y ENSENAS COMERCIALES, MAR	253,000.00
			TOTAL :	\$ 253,000.00

SDN: DOSCIENTOS CINCUENTA Y TRES MIL PESOS

RESPONSABLE : _____

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-033227- -00003-0000

Fecha: 2008-05-15 15:09:53 Dep. 2020 NUECREACIONE
Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 33,830
FECHA : ABRIL 25 DE 2008

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	693033	25/04/2008	33,008,000.00

***** C O N C E P T O *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-01 SOLICITUDES	83 INVOCACION DE UNA PRIORIDAD EN SI	71,000.00
TOTAL :			71,000.00

SDN: SETENTA Y UNO MIL PESOS

RESPONSABLE : _____

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-033227- -00003-0000

Fecha: 2008-05-15 15:09:53 Dep. 2020 NUECREACION
Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 33,833
FECHA : ABRIL 25 DE 2008

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	693033	25/04/2008	33,008,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-01 SOLICITUDES	83 INVOCACION DE UNA PRIORIDAD EN SI	71,000.00
TOTAL :			\$ 71,000.00

SDN: SETENTA Y UNO MIL PESOS

RESPONSABLE : _____

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3267/13

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 26,847
FECHA : ABRIL 3 DE 2008

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-033227- -00003-0000

Fecha: 2008-05-15 15:09:53 Dep. 2020 NUECREACION
Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
CLARKE MODET Y CO. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	686700	03/04/2008	35,124,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-09	OTROS SERVICIOS DE PROPIEDAD I	
		54 INFORMACION DETALLADA DE UN TRAMI	23,000.00
		TOTAL :	\$ 23,000.00

SON: VEINTTRES MIL PESOS

RESPONSABLE : _____

RECIBO DE CAJA APLICADO AL EXPEDIENTE No. _____

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-033227- -00003-0000

Fecha: 2008-05-15 15:09:53 Dep. 2020 NUECREACIONE
Tra. 2 PATENTES Eve: 1 REGDEPOSITO
Act. 538 PETICION Folios: 6

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 35,608
FECHA : MAYO 6 DE 2008

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
CLARKE MODET Y CD. COLOMB	CONSIGNACION	BANCO DE BOGOTA	062754387	693055	06/05/2008	14,897,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO	
1	50005-01-09	OTROS SERVICIOS DE PROPIEDAD I	32 CARATULAS DE PATENTE	2,000.00
TOTAL :				\$ 2,000.00

SON: DOS MIL PESOS

RESPONSABLE : _____

RECIBO DE CAJA APLICADO AL EXPEDIENTE No. _____

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DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No. 07-33227

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

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **582** DE

FECHA **30 DE NOVIEMBRE DE 2007** EL TÉRMINO HÁBIL SEÑALADO POR LA

LEY EXPIRA EL **27 DE FEBRERO 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.

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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
16 December 2004 (16.12.2004)

PCT

(10) International Publication Number
WO 2004/108170 A1

(51) International Patent Classification⁷: A61L 2/16, 2/18

(21) International Application Number:

PCT/US2004/017196

(22) International Filing Date: 28 May 2004 (28.05.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:

10/448,910 30 May 2003 (30.05.2003) US

(71) Applicant (for all designated States except US): STERIS INC. [US/US]; 43425 Business Park Drive, Temecula, OH 92590 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): McDONNELL, Gerald, E. [IR/GB]; 10 Beaconsfield Road, Basingstoke, Hampshire RG21 3DP (GB). KAISER, Herbert, J. [US/US]; 115 Wilson Court, Pontoon Beach, IL 62040 (US). ANTLOGA, Kathleen, M. [US/US]; 10346 Wilson Mills Road, Chardon, OH 44024 (US). BERNARDO, Mildred, R. [US/US]; 55 Pricewoods Lane, St. Louis, MO 63132 (US).

(74) Agents: KOCOVSKY, Thomas, E., Jr. et al.; Fay, Sharpe, Fagan, Minnich & McKee, LLP, 1100 Superior Avenue, 7th Floor, Cleveland, OH 44114 (US).

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, 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, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SI, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

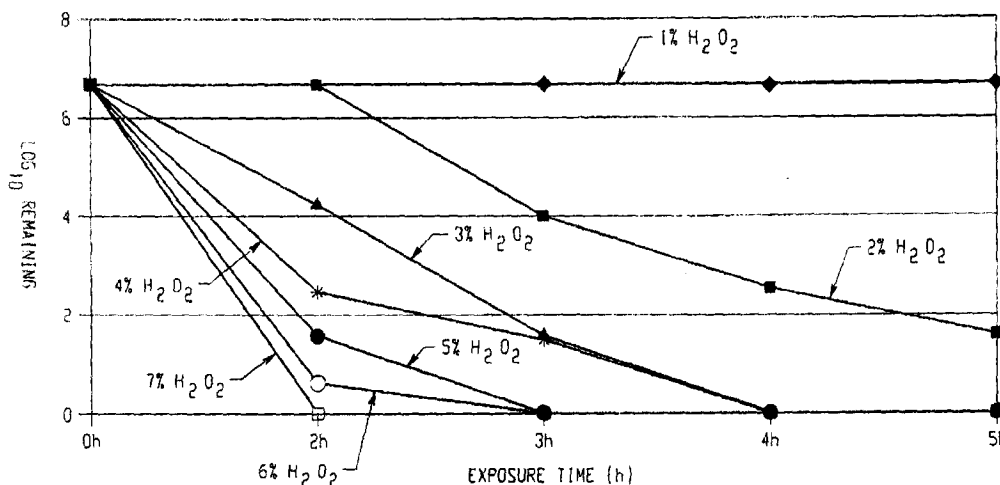
(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— with international search report

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

(54) Title: CLEANING AND DECONTAMINATION FORMULA FOR SURFACES CONTAMINATED WITH PRION-INFECTED MATERIAL



(57) Abstract: A method of treating the surfaces of medical instruments which are contaminated with prions includes contacting the surface with a composition containing a source of peroxide ions, such as hydrogen peroxide, at a molar concentration of at least 1.5M peroxide (equivalent to approximately 5% hydrogen peroxide) and preferably, about 2M peroxide (approximately 7% hydrogen peroxide). The composition is optionally in the form of a gel. The composition is retained in contact with the surfaces for about 1-2 hours until all or substantially all prion contamination is removed.

WO 2004/108170 A1

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reported to be ineffective. For example, a solution of 3% hydrogen peroxide in water was found to be ineffective against prions (Brown, et al., J. Infectious Diseases, vol. 145, No. 5, pp. 683-687 (May 1982)). There is a clear need for products and processes that are effective against prions yet compatible with surfaces.

The present invention provides a new and improved composition and method of treatment of surfaces contaminated with prion-infected material which overcome the above-referenced problems and others.

Summary of the Invention

In accordance with one aspect of the present invention, a method of treatment of a prion-contaminated surface is provided. The method includes contacting the surface with an aqueous composition containing at least 5% by weight of hydrogen peroxide for sufficient time to at least substantially reduce prions on the surface.

In accordance with another aspect of the present invention, a method for treatment of a device contaminated with prions is provided. The method includes coating surfaces of the device with a gel composition which includes peroxide at a molar concentration of at least 1.5 M and a humectant. The gel is retained in contact with the surfaces for at least one hour.

In accordance with another aspect of the present invention, a composition for treatment of prion contaminated surfaces is provided. The composition includes 5-30% by weight hydrogen peroxide, a thickener in a sufficient amount to provide a viscosity of 700-4000 cps, 5-30% by weight of a humectant, at least 0.1% by weight of a corrosion inhibitor, and a hydrogen peroxide stabilizer.

One advantage of at least one embodiment of the present invention is that it is gentle on instruments.

Another advantage of at least one embodiment of the present invention is that it deactivates prions

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quickly and effectively.

Another advantage of at least one embodiment of the present invention is that it is compatible with a wide variety of materials and devices.

5 Another advantage of at least one embodiment of the present invention is that it enables cleaning and decontamination to be carried out in a single step.

10 Another advantage of at least one embodiment of the present invention is that cross-contamination of medical instruments and cleaning equipment and hazards to healthcare workers during a cleaning process are reduced.

15 Still further advantages of the present invention will become apparent to those of ordinary skill in the art upon reading and understanding the following detailed description of the preferred embodiments.

Brief Description of the Drawings

The invention may take form in various components and arrangements of components, and in various
20 steps and arrangements of steps. The drawings are only for purposes of illustrating a preferred embodiment and are not to be construed as limiting the invention.

FIGURE 1 is a plot of the number of ileal fluid dependent organism(s) (IFDO) remaining over time when
25 exposed to a composition according to the present invention and to a control formulation; and

FIGURE 2 is a plot of the number of IFDO remaining over time when exposed to compositions containing from 1% to 7% by weight hydrogen peroxide.

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Detailed Description of the Preferred Embodiments

A method of decontaminating surfaces contaminated with prions includes contacting the surface to be treated with a composition which includes hydrogen
35 peroxide at a sufficient concentration and for a sufficient time to remove prions from the surface and/or destroy prions on the surface. It has unexpectedly been found that by treating prions with hydrogen peroxide in

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an aqueous composition at relatively high concentrations (i.e., above about 5% by weight of the composition is hydrogen peroxide or an equivalent molar percent of peroxide), substantial (i.e., greater than 99% destruction) of prions is achieved in a relatively short time (about one hour, or less). A six log reduction (no more than 1 of every million prions initially present remains) is achieved in under three hours, more preferably, in about two hours or less.

10 The treatment is effective against human prions (i.e., prions capable of replication within humans), as well as prions found in other animal species, such as cattle, sheep, and mice. For example, prions responsible from CJD and vCJD in humans, BSE in cattle, and scrapie
15 in sheep are removed. The prions are typically present in biological fluids and animal tissue, such as blood, brain or nervous system tissue. Accordingly, it is preferable to treat the contaminated surface with a cleaning composition formulated to remove the biological
20 fluids or tissue such that prions remaining on the surface are readily accessed by the hydrogen peroxide and deactivated.

A composition is provided for treatment of items, such as medical equipment, pharmaceutical
25 equipment, mortuary equipment, meat processing equipment, food handling equipment, and the like. It is particularly suited to the treatment of medical instruments and other medical devices which have been employed in a surgical operation, such as scalpels,
30 scissors, endoscopes, forceps, catheters, retractors, clamps, spatulas, and the like, and will be described with particular reference thereto.

The composition is preferably in the form of a liquid or a thickened composition, such as a gel or foam,
35 which is applied to the items to be treated. Suitable application methods include spraying the composition over the items to be decontaminated, applying the composition with an applicator, such as a brush or roller, or dipping

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or immersing the items in the composition. The contacting may be accompanied by agitation or scrubbing to increase penetration of the composition and aid in removal of biological matter.

5 For medical instruments, a preferred composition is in the form of a gel or similar thickened composition. The gel retains the composition on the instruments for an extended period so that instruments which are contaminated with prion infected body fluids or
10 tissue do not dry out before cleaning is complete. If contaminated instruments are allowed to dry completely, the body fluids harden and become hard to remove. The dried residues are more difficult for hydrogen peroxide to penetrate and destroy remaining prions. The thickened
15 composition containing hydrogen peroxide prevents the instruments from drying out for extended periods, such as for two or more hours, more preferably, at least four hours, and up to eight or more hours- i.e., long enough for the items to be transported to a reprocessing area
20 and receive further treatment.

The gel or liquid composition allows the instruments to be transferred safely from a surgery or other site at which the instruments are used to a reprocessing area where further decontamination processes
25 take place, such as further cleaning, sterilization, disinfection, or the like.

For treatment of larger areas, such as walls, work surfaces, and large equipment, a liquid composition is suitable.

30 In addition to destroying prions on the contaminated devices, the composition is also effective to provide low level disinfection of harmful viruses, such as HIB, HIV, HBV, and MRSA. Other proteins on the devices are also broken down or deactivated, rendering
35 them easier to remove from the devices.

The composition is preferably aqueous, although use of other solvents, such as organic solvents in the composition is also contemplated. In addition to water,

For prion destruction, the composition preferably has a pH of about 4-8, more preferably, from about 5.0-6.0. The pH can be adjusted, for example, by addition of acid or alkali, to reach the desired pH.

5 An exemplary composition includes:

	Component	% By Weight
	Hydrogen peroxide	5-8%
10	Hydrophobically modified hydroxyethyl cellulose (e.g., Natrosol Plus CS)	0.5-3%
15	Citric acid (for dispersion Of Natrosol)	0.00025 to 0.0035%
	Potassium hydroxide	to adjust pH to about 5.0-5.5 (about 0-0.3%)
20	Humectant (e.g., Sorbitol)	5-30%
	Chelating/stabilizing agent (e.g., HEDP)	0.008-0.01
25	Rheological stabilizer (e.g., Oxyrite 100)	0.1-0.3
30	Azole corrosion inhibitor (e.g., Cobratec 939)	0.1-1%
	Deionized water	Q.S. (about 78-85%)

35 A particularly preferred formulation includes:

	Component	% By Weight
	Hydrogen peroxide	7%
40	Hydrophobically modified hydroxyethyl cellulose (Natrosol Plus CS)	1%
	Citric acid	0.0003%
45	Potassium hydroxide	to adjust pH to about 5.0-5.5 (about 0-0.3%)
	Sorbitol	10%
50	HEDP	0.008%

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The composition is applied to the instruments by any suitable dispenser for dispensing liquid, gel, or foam compositions. Exemplary dispensers include trigger spray bottles, pump spray containers, pressurized spray cans, squeeze bottles, and spray devices utilizing a compressed air pump. An exemplary method of applying the gel composition to the instrument includes spraying. Other methods of application include dipping the instruments in the gel composition or painting the gel composition with a brush or other application. The method includes treating surgical instruments such that prions present are deactivated and blood or body fluids remaining on post-surgical instruments do not dry out.

For example, prion contaminated post-surgical medical instruments are treated by applying the composition in the form of a gel to the instruments, allowing the gel to remain on the instruments for a sufficient time to destroy substantially all prions on the surfaces of the instruments, transporting the treated instruments coated with the applied gel composition to a cleaning station, and cleaning and preferably sterilizing the treated medical instruments.

A sufficient amount of gel composition is preferably applied such that all contaminated regions of the instruments are sufficiently coated with the gel composition to contain the fluid and keep it moist during prion decontamination and until cleaning takes place.

Optionally, other post-operative cleaning processes are used prior to or after the use of the composition. For example, a liquid cleaner may be used to treat internal passages of instruments, or the instruments may be soaked in a liquid cleaner, such as an enzymatic cleaner.

Optionally, additional gel may be applied to a contaminated region if desired. For example, where a washer or sterilizer is not available for cleaning or sterilizing the instruments, applying additional gel,

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7. The method of any one of claims 1-6, further characterized by:

the composition having a viscosity of at least 500cps.

8. The method of claim 7, further characterized by:

the composition having a viscosity of 700 to 4000cps.

9. The method of either one of claims 7 and 8, further characterized by:

the composition comprising a thickener selected from the group consisting of cellulose derivatives, acrylic acid-based polymers, gums, such as guar, guar derivatives, alginates, alginate derivatives, non-ionic surfactants, non-ionic polymers, and combination thereof.

10. The method of claim 9, further characterized by:

the thickener including a hydroxyethylcellulose or a hydrophobically modified derivative thereof.

11. The method of any one of claims 1-10, further characterized by:

the composition having a pH of from about 4-8.

12. The method of claim 11, further characterized by:

the composition having a pH of from 5-6.

13. The method of any one of claims 1-12, further characterized by:

the composition further comprising a humectant for retaining moisture on the surface.

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14. The method of claim 13, further characterized by:

the humectant being selected from the group consisting of sorbitol, glycerine, glucitol, polyethylene glycol, propylene glycol, dipropylene glycol, 1,3-
5 butylene glycol, hexylene glycol, and mixtures thereof.

15. The method of claim 14, further characterized by:

10 the humectant including sorbitol.

16. The method of either one of claims 14 and 15, further characterized by:

the humectant being present at from about 5% to about 30% by weight of the composition.

17. The method of any one of claims 1-16, further characterized by:

the composition further including at least one of the group consisting of corrosion inhibitors, hydrogen peroxide stabilizers, and surfactants.

18. The method of any one of claims 1-17, further characterized by:

the surface being the surface of a medical device.

19. A composition for treatment of prion contaminated surfaces, characterized by:

5-30% by weight hydrogen peroxide;
a thickener in a sufficient amount to provide a
5 viscosity of 700-4000 cps;
5-30% by weight of a humectant;
at least 0.1% by weight of a corrosion inhibitor; and
a hydrogen peroxide stabilizer.

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**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIRECCION DE NUEVAS CREACIONES**

2020
Bogotá, D.C.,

Abogado: JIMENA ESCOBAR URIBE

Cons 4.

ASUNTO: Radicación No. 07-033227
Trámite 002
Evento 001
Actuación 430
Oficio
Folios **130831**

Como resultado del Examen de Fondo, realizado con fundamento en el artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina, se comunica:

Documentos estudiados:

Descripción: Folios 12 a 39 como se radicó inicialmente.
Reivindicaciones: Folios 40 a 50 como se radicó inicialmente.
Dibujos: Folios 51 a 57 como se radicó inicialmente.
Prioridad: US 2006 11396186 (2006-03-31)
US 2006 11421288 (2006-05-31)
US 2006 11565126 (2006-11-30)
US 2006 11565160 (2006-11-30)

Objeto de la Invención

Título de la invención: Tratamiento de espuma de peróxido de hidrogeno.

Problema Técnico Planteado: Necesidad de un método por el cual se desinfecte las superficies de instrumentos contaminados con depósitos de sangre y proporcione desinfección.

Solución: Método de tratamiento de un instrumento después de la contaminación que consiste en la aplicación de una espuma de peróxido de hidrogeno que disuelve al sangre y proporciona efecto antimicrobial.

IPC: A61

Análisis de la Solicitud de Patente

Reivindicaciones (Art 30 D 486, Art 22 PCT)

Claridad:

Las reivindicaciones 21 a 25 y 28 no son claras debido a que un método de tratamiento se caracteriza por los pasos o etapas que lo conforman, sin embargo el solicitante define el método por los componentes y las proporciones de una composición espumable que es aplicada como una etapa del método de

tratamiento, es así que se sugiere al solicitante establecer si se reivindicará una composición ó el método para su aplicación.

La reivindicación 3 no evidencia claramente como "...al menos una porción de los depósitos de sangre están secos" sea una característica esencial del método de tratamiento a reivindicar.

Las reivindicaciones 4 a 9 no caracterizan claramente la invención, ya que reivindican actividades inherentes manejo de la instrumentación (técnico) durante el proceso de desinfección. Es así que estas reivindicaciones no definen la invención por sus pasos ó etapas característicos sino por actividades que realiza la persona que aplica dicho método.

Las reivindicaciones deben definir la invención por sus características esenciales, estructurales o funcionales, y no se admite que las reivindicaciones definan la invención por el resultado a alcanzar. Es así, que dentro del capítulo reivindicatorio las reivindicaciones 2, 10, 11, 12, 20, 26, 27 y 35 están definidas por el resultado a alcanzar como por ejemplo causar una reducción de 5log de *Pseudomona aureginosa* en treinta minutos. Por tal razón se solicita que estas reivindicaciones sean redefinidas o eliminadas del capítulo reivindicatorio.

Las reivindicaciones 14 y 15 caracterizan el método de tratamiento de un instrumento por que se aplica a través de un contenedor presurizado dispensador de espuma bombeado manualmente, lo cual no caracteriza el método sino que establece el tipo de empaque y como se usa dicho dispensador, es necesario establecer claramente los pasos correspondientes al método y no describir el tipo de empaque que se utilizará.

Análisis de Unidad de Invención (Art 25 D 486)

La solicitud presentada evidencia dos grupos inventivos dentro de las reivindicaciones los cuales NO conforman un único concepto inventivo.

Los grupos inventivos que describe la solicitud son:

- Grupo 1: enmarcado dentro de las reivindicaciones 1 a 33 que contempla un método de tratamiento de un instrumento después de la contaminación de la superficie del mismo que involucra diferentes pasos.
- Grupo 2: enmarcado dentro de las reivindicaciones 34 a 60 que contempla un sistema de pretratamiento que comprende un kit que contiene un solución espumable de peróxido de hidrogeno y un empaque con instrucciones para su manejo.

Como se observa no hay unidad de invención entre los diferentes grupos ya que los conceptos técnicos inventivos no son comunes. Teniendo en cuenta lo anterior para el análisis de patentabilidad se tendrá el primer grupo inventivo que se evidencia en la solicitud.

Determinación del Estado de la Técnica

El Estado de la Técnica se determinó con base en la fecha de solicitud prioritaria 2006-03-31 se encontraron los siguientes documentos que anticipan el objeto de esta solicitud:

Item	Documento	Título	Fecha de Publicación
D1	WO2004108170	<i>Cleaning and decontamination formula for surfaces contaminated with prion-infected material</i>	2004-12-16
D2	US20050019421	<i>Disinfecting Compositions and Methods Of Making And Using Same</i>	2005-01-27

Análisis de Patentabilidad (Art 14 D486)

Novedad (Art 16 D486)

Respecto a la solicitud en estudio:

La reivindicación 1 establece: "Un **método de tratamiento** de un instrumento después de la contaminación de su superficie, el método comprende las etapas de:

- a. Cubrir la superficie con una espuma que contiene peróxido de hidrógeno, y
- b. Mantener la espuma sobre la superficie para conservar la superficie húmeda.

Respecto al estado de la Técnica:

D1 describe un **método para el tratamiento** de instrumentación médica u otras superficies luego de la contaminación, dicho método consiste en:

- a. **Aplicar** sobre la superficie en contacto una composición acuosa (puede presentarse en forma de gel o **espuma** (página 6, líneas 33 a 35), que contiene una fuente de iones de peróxido, como el **peróxido de hidrógeno**(página 4, líneas 14-18; página 5, líneas 32 a 37), en una concentración entre el 5% y el 8% (página16, ejemplo 1), en un tiempo estimado para la desaparición total de microorganismos;
- b. y dicha composición puede **permanecer en contacto con la superficie en el tiempo debido para que esta no se seque** (página 4, líneas 17a 18; página 7, líneas 14 a 20).

Teniendo en cuenta que todas las características técnicas esenciales de la invención están incluidas en el estado de la técnica se concluye que el método de tratamiento de un instrumento reivindicado no es nuevo

Conclusión

Los requisitos de Patentabilidad de la presente Solicitud se encuentran afectados así:

N°	Documento	Reivindicaciones afectadas	Requisito que afecta
D1	WO2004108170	1- 33	Novedad

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 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.

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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 07 OCT. 2000

CONCEPTO TECNICO NUMERO: 2659	EXAMINADOR TÉCNICO Código:202093
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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 322

2020
Bogotá D.C.,

Doctor(a)
ESCOBAR URIBE JIMENA
Apoderado(a) y/o Representante de
ETHICON, INC

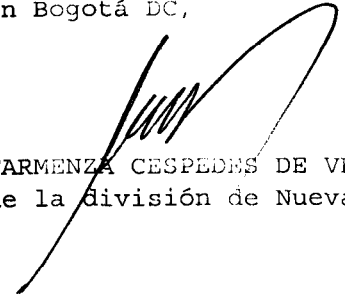
REFERENCIA	Radicación No. 07 33227
	Trámite 2
	Evento 1
	Actuación 416
	Oficio No. 4293
	Folios 1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en los artículos 26 y 27 de la Decisión 486 de la Comisión de la Comunidad Andina, y en las demás disposiciones vigentes sobre la materia, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial, conforme lo establece el artículo 40 de la misma Decisión.

Siendo manifestación expresa del interesado de efectuar la publicación "inmediato", está se realizará en la próxima gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,

19 DE MAR DE 2020


ALIX CARMENZA CESPEDMS DE VERGEL
Jefe de la División de Nuevas Creaciones

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