

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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Señor Director

DIRECCION DE NUEVAS CREACIONES

Superintendencia de Industria y Comercio

E. S. D.

Trámite : 011

Evento : 379

Actuación : 329

Referencia : Expediente No. 14.063.386
Asunto : Solicitud de patente para **DISPENSADOR DE PRODUCTOS Y MIEMBRO QUE FORMA LA CUBIERTA PARA UN DISPENSADOR DE PRODUCTOS**
Solicitante : **SCA HYGIENE PRODUCTS AB**
Clase : A47K 010/042, B65D 083/008
Fecha de solicitud : 25 de marzo de 2014

1. Yo, Luz Clemencia de PAEZ, en mi condición de apoderada de la sociedad solicitante, **SCA HYGIENE PRODUCTS AB**, atentamente presento el siguiente documento:

1.1. **Informe Preliminar Internacional sobre patentabilidad (IPRP):** Dando alcance al memorial radicado el 22 de mayo de 2014 presento copia del Informe Preliminar Internacional sobre patentabilidad expedido en el trámite de la solicitud internacional PCT/EP2012/064493, correspondiente a la presente fase nacional, que contiene como anexos las 14 reivindicaciones sobre las cuales solicité en dicho escrito que se efectuó el examen de patentabilidad.

Solicito a ese Despacho tener en cuenta que el examen efectuado por la Administración encargada fue favorable, esto es que la invención es novedosa, tiene nivel inventivo y aplicación industrial.

2. De acuerdo con lo anterior, comedidamente solicito a Usted proseguir con el trámite de este asunto.

Señor Director,

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COLO-11256-0841-378-8

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No. M-2014-266250\SDC

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

28. Mai 2014

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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(PCT Rule 71.1)Date of mailing
(day/month/year)

27.05.2014

Applicant's or agent's file reference
157 419 aa/hpo

IMPORTANT NOTIFICATION

International application No.
PCT/EP2012/064493International filing date (day/month/year)
24.07.2012Priority date (day/month/year)
30.08.2011Applicant
Sca Hygiene Products AB

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 157 419 aa/hpo	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2012/064493	International filing date (day/month/year) 24.07.2012	Priority date (day/month/year) 30.08.2011	
International Patent Classification (IPC) or national classification and IPC INV. A47K10/42			
Applicant Sca Hygiene Products AB			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. ☒ (sent to the applicant and to the International Bureau) a total of <u>7</u> sheets, as follows: ☒ sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions). ☐ sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2). ☐ superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)). b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3bis of Annex C of the Administrative Instructions).			
4. This report contains indications relating to the following items: ☒ Box No. I Basis of the report ☐ Box No. II Priority ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☒ Box No. IV Lack of unity of invention ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement ☐ Box No. VI Certain documents cited ☒ Box No. VII Certain defects in the international application ☐ Box No. VIII Certain observations on the international application			
Date of submission of the demand		Date of completion of this report	
10.01.2014		27.05.2014	
Name and mailing address of the international preliminary examining authority:  European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016		Authorized officer Zuurveld, Gerben Telephone No. +31 70 340-4545 	

Box No. 1 Basis of the report

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

Description, Pages

1-40 as originally filed

Claims, Numbers

1-14 filed with the letter of

22-04-2014

Drawings, Sheets

1/9-9/9 as originally filed

- ☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☒ the claims, Nos. 15
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
5. ☐ This report has been established:
- ☐ taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rules 66.1(d-bis) and 70.2(e)).
 - ☐ without taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91(Rules 66.4bis and 70.2(e)).

6. ☒ With regard to top-up searches (Rules 66.1 ter and 70.2(f)):
- ☒ A top-up search was carried out by this Authority on 16.05.2014 (all discovered documents are listed in the Supplemental Box Relating to Top-up Search).
 - ☐ No top-up search was carried out by this Authority.
7. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees, the applicant has, within the applicable time limit:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest and, where applicable, the protest fee.
 - ☐ paid additional fees under protest but the applicable protest fee was not paid.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 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 Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-14</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-14</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-14</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item I

Basis of the report

- 1 The amended claims fulfil the requirements of Article 34(2)(b) PCT, as they have a basis in the application as originally filed.
- 2 The applicant's arguments have been considered and give rise to the following remarks (cf. PCT Guidelines 19.22).

Re Item IV

Lack of unity of invention

- 1 In his letter of 22.04.2014 the applicant states that in response to Items IV and VII, EPO specific requirements will be considered during any EPO regional phase.
- 2 From this it follows that the objections with respect to lack of unity of invention, as mentioned in the previous written opinion, are maintained, i.e. the inventions of claims 1 and 2 are not so linked as to form a single general inventive concept.

For the complete reasoning it is referred to the Written Opinion of the International Preliminary Examining Authority (form 408).

Re Item V

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

- 1 The reasoning of the applicant with respect to novelty of independent claims 1 and 2 can be followed. The subject-matter of independent claims 1 and 2 is therefore considered novel, Article 33(2) PCT.
- 2 Furthermore, the subject-matter of independent claims 1 and 2 is also considered involving an inventive step, Article 33(3) PCT, for the reasons as stated by the applicant in his letter of 24.04.2014.
- 3 Claims 3 to 14 are dependent claims and as such also satisfy the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

- 1 Independent claims 1 and 2 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art, i.e. document D1, being placed in the preamble (Rule 6.3(b)(i) PCT) and the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 2 The features of the claims should have been provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

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22. April 2014

Munich, April 22, 2014

Our Ref.: 157 419 r35/t7/lfa
International Application PCT/EP2012/064493
SCA Hygiene Products AB

This is in response to the Written Opinion of the International Preliminary Examining Authority (WO-IPEA) dated 21 February, 2014.

Amendments

We are enclosing amended Claims 1 to 14, to replace, without prejudice, Claims 1 to 15 as presently on file. Two copies of the amended claims are enclosed; one with the changes tracked as compared to the claims as presently on file, and a tidy copy.

Previous dependent Claim 5 has been inserted into previous independent Claims 1 and 2 to form new independent Claims 1 and 2 respectively. The remaining claims and their dependencies have been re-numbered accordingly.

In response to Items IV and VII, EPO specific requirements will be considered during any EPO regional phase.

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Novelty

In Section 2.2 under Item V, the Examiner asserts that previous Claim 1 lacks novelty in view of document D2.

New Claim 1 recites:

"wherein the guide includes a pivot depression, and wherein the projection is located in the depression when ... in the second position to form a hinge about which the cover member is rotatable to the open position".

In Section 2.21 under Item V, the Examiner states that the slot 152 of D2 is comparable to the guide of Claim 1. In contrast to new Claim 1, referring to Figure 1D of D2, it is clear that the slot 152 does not include a "pivot depression".

Furthermore, it is clear that the slot 152 merely limits the movement of the refill door 102. Accordingly, in contrast to the above feature of new Claim 1, in any relative positioning of the pin 154 and slot 152, the pin and slot of D2 are not able to form a hinge about which the refill door 102 can rotate. We note that the refill door is pivotally coupled to the base 100 by a completely separate mechanism, as seen in Figure 1C.

Hence, the above-noted features of Claim 1 are novel over the disclosure of document D2.

In Section 2.3 under Item V, the Examiner acknowledges that previous independent Claim 2 is novel. We also note that the above-noted novel feature of new Claim 1 (also recited in new Claim 2), is a further novel feature of new Claim 2.

From this feature it is clear that Claim 1 recites "a first position in which the cover member is held closed" and a second position in which the cover member is rotatable

Inventive Step

In addition to the above-noted novel features, new Claim 1 also recites features pertaining to a first position in which the cover member is held closed and a second position in which the cover member is openable. Furthermore, new Claim 1 also recites that the cam guide and projection mechanism is shaped so that the cover member is raised as the cover member is moved from the first position to the second position.

Hence, the above-noted novel feature of new Claim 1 has the technical effect of providing a single mechanism in which the cover member can be either held closed or in an openable position, where the openable position allows free movement of the cover member.

Accordingly, the technical problem to be solved is how to provide a single mechanism in which the cover member can be either held closed or in an openable position, where the openable position allows free movement of the cover member.

The novel features of new Claim 1 are not disclosed in any of the further cited prior art documents. Accordingly, a skilled person would not be motivated to modify the teachings of D2 so as to arrive at the subject-matter of new Claim 1. Hence, new Claim 1 is a non-obvious solution to the above-mentioned technical problem.

Hence, new Claim 1 is inventive.

Similar reasoning can be applied to new independent Claim 2.

Summary

We submit that all of the substantive objections raised in the Written Opinion have been addressed and overcome by the present response. We thus request a positive opinion on patentability for the present application. We request to have a telephone conversation with the international Examiner before any IPRP is issued that is not positive with respect to the patentability of all the presently pending claims.



Greg Sach
European Patent Attorney
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Encls:

Amended Claims 1 to 14;
Marked-up version of amended claims.

CLAIMS:

1. A product dispensing device, comprising at least a part of a dispenser housing and a cover member, wherein the dispenser housing defines a product reservoir for containing a stack of sheets, the part of the dispenser housing defines an opening through which products are dispensed from the product housing and through which the product housing is refillable, the cover member is positionable between an open position in which the opening of the dispenser housing part is revealed for refilling the product reservoir with dispensable products and a closed position in which the opening of the dispenser housing is covered for dispensing, and the cover member comprises a dispensing opening through which products are dispensed when the cover member is in the closed position, wherein the cover member is moveable relative to the part of the dispenser housing by way of a mechanism in which a projection rides along a guide between a first position in which the cover member is held closed to the part of the housing to resist opening of the cover member and a second position in which the cover member is openable relative to the part of the dispenser housing to the open position, wherein the guide and projection mechanism is a cam guide and projection mechanism and the guide of the cam guide and projection mechanism is shaped so that the cover member is raised relative to the part of the housing as the cover member is moved relative to the part of the housing from the first position to the second position, wherein the guide includes a pivot depression, and wherein the projection is located in the depression when the cover member is in the second position to form a hinge about which the cover member is rotatable to the open position.

2. A product dispensing device, comprising at least a part of a dispenser housing and a cover member, wherein the dispenser housing defines a product reservoir for containing a stack of sheets, the part of the dispenser housing defines an opening through which products are dispensed from the product housing and through which the product housing is refillable, the cover member is positionable between an open position in which the opening of the dispenser housing part is revealed for refilling the product reservoir with dispensable products and a closed position in which the opening of the dispenser housing is covered for dispensing, and the cover member comprises a dispensing opening through which products are dispensed when the cover member is in the closed position, wherein the cover member is moveable relative to the part of the dispenser housing by way of a mechanism in which a

AMENDED SHEET

projection rides along a guide between a first position in which the cover member is held closed to the part of the housing to resist opening of the cover member and a second position in which the cover member is openable relative to the part of the dispenser housing to the open position, wherein the cover member is moveable relative to the part of the housing between the first and second positions by way of a pin and groove mechanism, and wherein the cover member comprises a peripheral lip, depending from a general body of the cover member, wherein a groove of the pin and groove mechanism is provided on an inside surface of the peripheral lip, wherein the guide includes a pivot depression, and wherein the projection is located in the depression when the cover member is in the second position to form a hinge about which the cover member is rotatable to the open position.

3. The dispensing device of claim 1, wherein the at least a part of the dispenser housing is a modular support member that is removably mountable to a product housing and to which the cover member is hingedly mounted or the at least a part of the dispenser housing is a product housing of a dispenser.

4. The dispensing device of claim 1, wherein the cover member is moveable relative to the part of the housing between the first and second positions by way of a pin and groove mechanism.

5. The dispensing device of claim 1 or 2, wherein the projection is biased so as to resiliently clip in to the depression as the projection runs along the guide to the depression and to provide resistance to the projection moving out of the depression to run back along the guide.

6. The dispensing device of any one of claims 1 to 4, wherein in the first position, the cover member is held to the part of the dispenser housing by engagement between surfaces resisting movement of the cover member in a direction to open the cover member to the open position from the closed position, and in the second position, the cover member is moved so that the surfaces come out of a blocking relative position to allow the cover member to be opened to the open position.

7. The dispensing device of claim 6, wherein surfaces resisting movement of the cover member in an opening direction are disposed at an opposed end of the cover member to the hinge so as to be positioned distally with respect to the hinge.

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8. The dispensing device of claim 1, wherein the cover member comprises a peripheral lip, depending from a general body of the cover member, wherein one of the guide and the projections are provided on an inside surface of the peripheral lip.
9. The dispensing device of claim 2, wherein the guide and projection mechanism is a cam guide and projection mechanism and the guide of the cam guide and projection mechanism is shaped so that the cover member is raised relative to the part of the housing as the cover member is moved relative to the part of the housing from the first position to the second position.
10. The dispensing device of any one of claims 1 to 9, wherein the guide of the cam guide and projection mechanism is shaped so that the cover member moves toward the part of the housing when the cover member is moved relative to the part of the housing from the second position to the first position.
11. The dispensing device of any one of claims 1 to 10, wherein the guide and projection mechanism comprises first and second guide and projection mechanisms, the first guide and projection mechanism providing a hinge about which the cover member is rotatable between the open and closed positions when the cover member is in the second position, and wherein the second guide mechanism is open at one end to allow the cover member to rotate between the open and closed positions when the cover member is in the second position and which is closed at the other end to block movement of the cover member from moving from the closed position to the open position when the cover member is in the first position.
12. The dispensing device of any one of claims 1 to 10, wherein the cover member and the housing part have cooperating catch members that are able to move past one another when the cover member is in the second position to allow the cover member to open and close and which overlap one another in the opening direction when the cover member is in the first position to block movement of the cover member from the closed position to the open position.
13. The dispensing device of claim 12, wherein the cooperating catch members are disposed at an opposed end of the cover member from a hinge about which the cover member is rotatable to open and close the cover member with respect to a direction perpendicular to the rotating axis of the hinge passing along a general plane defined by the cover member.

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14. The dispensing device of any one of claims 1 to 13, wherein the cover member is openable by rotation relative to the housing part, and the cover member rides along the guide in a direction perpendicular to the rotation axis of the hinge so that the cover member is shifted from a position whereby the dispensing opening is offset from a central position with respect to the opening of the housing part to the central position.

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