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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIRECCIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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Act. 329 CTOINFORMACION Folios: 6

Re: Expediente No. 14 171728

Solicitud de Patente de Invención titulado: "PIEZAS MOLDEADAS QUE CONTIENEN UNA COMPOSICIÓN DE ÁCIDO POLILÁCTICO"

Solicitante: KIMBERLY-CLARK WORLDWIDE, INC.

Nuestra Ref.: P2014/000027

(MEMORIAL DE ALCANCE)

J. IAN RAISBECK, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad en referencia, me permito adjuntar al presente memorial una copia del Reporte Preliminar Internacional de Patentabilidad, expedido por la OMPI.

Atentamente,

J. IAN RAISBECK
CC. No. 79.376.996 de Bogotá
T.P. 135.799 CSJ

Anexo: Reporte Preliminar Internacional de Patentabilidad.

From the INTERNATIONAL BUREAU

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

(PCT Rule 44bis.1(c))

To:

RECEIVED

SEP 04 2014

JOHNSTON, Jason, W.
Dority & Manning, P.A.
P O Box 1449
Greenville, South Carolina 29602-1449
ETATS-UNIS D'AMERIQUE**DORITY AND MANNING**

Date of mailing (day/month/year)

21 August 2014 (21.08.2014)

Applicant's or agent's file reference

KCX-1775-PCT

IMPORTANT NOTICE

International application No.

PCT/IB2013/050734

International filing date (day/month/year)

28 January 2013 (28.01.2013)

Priority date (day/month/year)

10 February 2012 (10.02.2012)

Applicant

KIMBERLY-CLARK WORLDWIDE, INC.

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

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

Authorized officer

Cécile Chatel

Facsimile No. +41 22 338 82 70

e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference KCX-1775-PCT	FOR FURTHER ACTION See item 4 below	
International application No. PCT/IB2013/050734	International filing date (day/month/year) 28 January 2013 (28.01.2013)	Priority date (day/month/year) 10 February 2012 (10.02.2012)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KIMBERLY-CLARK WORLDWIDE, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 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 12 August 2014 (12.08.2014)
	Authorized officer Cécile Chatel e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

JOHNSTON, Jason, W.

DORITY & MANNING, P.A. P O BOX 1449 GREENVILLE
South Carolina 29602-1449 USA

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **27 June 2013 (27.06.2013)**

Applicant's or agent's file reference
KCX-1775-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/IB2013/050734

International filing date (day/month/year)

28 January 2013 (28.01.2013)

Priority date (day/month/year)

10 February 2012 (10.02.2012)

International Patent Classification (IPC) or both national classification and IPC

C08L 67/04(2006.01)i, C08L 23/08(2006.01)i, C08L 23/16(2006.01)i, C08J 5/00(2006.01)i, B29C 45/00(2006.01)i

Applicant

KIMBERLY-CLARK WORLDWIDE, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that 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 66.1bis(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 3 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.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
189 Cheongsu-ro, Seo-gu, Daejeon
Metropolitan City, 302-701, Republic of
Korea
Facsimile No. 82-42-472-7140



Date of completion of this opinion

26 June 2013 (26.06.2013)

Authorized officer

KIM, Dong Seok

Telephone No. 82-42-481-8647



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2013/050734

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Box No. I Basis of this 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

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

☐ on paper

☐ in electronic form

b. time of filing or furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form.

☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing 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.

5. Additional comments:

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2013/050734

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. 4-16

because:

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

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 13
are so unclear that no meaningful opinion could be formed (*specify*):

Claim 13 refers to claim 12 which is not drafted in accordance with the second and/or third sentence of Rule 6.4(a). Thus, no meaningful search could be carried out.

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 4-16

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2013/050734

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

1. Statement

Novelty (N)	Claims	1-3,17-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-3,17-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-3,17-20	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2011-0190447 A1 (LI, F. et al.) 04 August 2011
D2: WO 2010-002669 A1 (FINA TECHNOLOGY, INC.) 07 January 2010
D3: US 2009-0264591 A1 (SANO, T. et al.) 22 October 2009
D4: US 8044134 B2 (CHUNG, Y.-M. et al.) 25 October 2011
D5: US 2010-0143623 A1 (HIRUMA, T. et al.) 10 June 2010

2-1. Novelty and Inventive Step

2-1-1. Claims 1-3

D1 is regarded as the closest prior art document to the subject matter of claim 1. It discloses an injection molded article formed from a compatibilized polymeric blend, which is formed by a process comprising providing a polyolefin comprising one or more propylene heterophasic copolymer having an ethylene content of at least 10 weight % based on the total weight of the polyolefin and contacting the polyolefin with a polylactic acid and a reactive modifier to form the compatibilized polymeric blend (See paragraph [0032]; claim 1.). And, it is also mentioned in D1 that the polylactic acid may exhibit a glass transition temperature of from about 45 °C to about 85 °C and the propylene-based polymer may have a density of from about 0.895 g/cc to about 0.920 g/cc (See paragraphs [0046] and [0066].).

With regard to the reactive modifier, D1 suggests that the reactive modifier may include functional polymers such as glycidyl methacrylate grafted polypropylene (PP-g-GMA) or polyethylene-co-glycidyl methacrylate (PE-co-GMA) capable of compatibilizing a blend of polyolefin and polylactic acid, and has a concentration in a range from about 1 weight % to about 15 weight % based on the total weight of the compatibilized polymeric composition (See paragraphs [0072]-[0073] and [0084].).

Claim 1 of the present invention differs from D1 in that (i) the molded part exhibits a degree of expansion of about 0.9 % or less in a width direction, (ii) the propylene/alpha-olefin copolymer has a density of from about 0.82 to about 0.90 grams per cubic centimeter, and (iii) the thermoplastic composition comprises from about 50 weight % to 95 weight % of at least

Continued on Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IB2013/050734

Box No. VII Certain defects in the international application

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

Claims 4-12 and 14-16 do not comply with PCT Rule 6.4(a) because multiple dependent claims should not serve as a basis for any other multiple dependent claim.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of : Box No. V

one polylactic acid and from about 5 weight % to about 30 weight % of at least one propylene/alpha-olefin copolymer.

Comparing tensile properties of the present invention to those of D1, the effect of the molded part formed from the thermoplastic composition of claim 1 can be acknowledged (See Table 1 of D1.).

Accordingly, it would not have been obvious to a person skilled in the art to arrive at the subject matter of claim 1 from the prior art documents, taken alone or in combination. Thus, claim 1 is considered to be novel and to involve an inventive step under PCT Article 33(3).

Claims 2 and 3 are dependent on claim 1. Since claim 1 is considered novel and inventive, claims 2 and 3 are also considered to be novel and to involve an inventive step under PCT Article 33(2) and 33(3).

2-1-2. Claims 17-20

D1 is regarded as the closest prior art document to the subject matter of claim 17. It discloses an injection molded article formed by a process comprising: providing a polyolefin comprising one or more propylene heterophasic copolymer having an ethylene content of at least 10 weight % based on the total weight of the polyolefin; contacting the polyolefin with a polylactic acid and a reactive modifier to form the compatibilized polymeric blend; and injection molding the compatibilized polymeric blend into an article (See claim 1.).

Claim 17 of the present invention mainly differs from D1 in that the thermoplastic composition comprises from about 50 weight % to 95 weight % of at least one polylactic acid and from about 5 weight % to about 30 weight % of at least one propylene/alpha-olefin copolymer.

Comparing tensile properties of the present invention to those of D1, the effect of claim 17 can be acknowledged (See Table 1 of D1.).

Accordingly, it would not have been obvious to a person skilled in the art to arrive at the subject matter of claim 17 from the prior art documents, taken alone or in combination. Thus, claim 17 is considered to be novel and to involve an inventive step under PCT Article 33(3).

Claims 18-20 are dependent on claim 17. Since claim 17 is considered novel and inventive, claims 18-20 are also considered to be novel and to involve an inventive step under PCT Article 33(2) and 33(3).

2-2. Industrial Applicability

Continued on The Next Page

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2013/050734

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Previous Page

Claims 1-3 and 17-20 are industrially applicable under PCT Article 33(4).