

 Industria y Comercio SUPERINTENDENCIA	Espacio reservado para el adhesivo de radicación
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DIRECCIÓN DE NUEVAS CREACIONES
Procedimiento acelerado de exámenes de patente (PPH)

1	NÚMERO DE SOLICITUD ANTE LA SIC	16-004490				
2	OFICINA DE PRIMERA PRESENTACIÓN (OPP)	☒	USPTO	☒	OEPM	☐
3	OFICINA DE EXAMEN ANTERIOR (OEA)	☐	JAPON	☐	KR Sur	☐
4	PPH – PCT	☐	JAPON	☐	KR Sur	☐
5	NÚMERO DE SOLICITUD O PUBLICACIÓN DE LA SOLICITUD (OPP)	☐	1.			
	NÚMERO DE SOLICITUD EN OFICINA DE EXAMEN ANTERIOR (OEA):	☐				
	NÚMERO DE SOLICITUD PCT:	☐				
6	☐ REPRESENTANTE LEGAL ☒ APODERADO					
APELLIDOS		NOMBRES		IDENTIFICACIÓN		
RAISBECK		J. IAN		C.C .79.376.996 de T.P .135.799 C.S.J Bogota		
DIRECCIÓN	Calle 90 No. 19-41 Oficina 404		No. TELÉFONO	7043275		
CIUDAD	Bogotá		CORREO ELECTRÓNICO	notificaciones.sic@roclaw.co		
PAÍS	Colombia		No. RADICACIÓN O PROTOCOLO DE PODER GENERAL			
7	CONDICIONES PARA ACCEDER A ESTE PROCESO:					
7.1.	DATOS DE PRIORIDAD ☒ SI ☐ NO					
(33) PAÍS DE ORIGEN		CÓDIGO PAÍS	(31) NÚMERO	(32) FECHA (AAAA/MM/DD)		
1. ESTADOS UNIDOS DE AMERICA		US	13/917/177	13/06/2013		
2.						
3.						
7.2.	DATOS SOLICITUD INTERNACIONAL PCT ☒ SI ☐ NO					
Solicitud Internacional No.		PCT/IB2014/062111		Fecha	10/06/2014	
Publicación Internacional No.		WO/2014/199304		Fecha	18/12/2014	
*El solicitante presenta una copia de la(s) reivindicación(es) patentable(s) u otorgable(s) de la solicitud de la Oficina de Primera Presentación que profirió el examen de patentabilidad, junto con una traducción al castellano. ☒ SI ☐ NO						
*El solicitante presenta los resultados de búsqueda de la Oficina de Examen Anterior, junto con una traducción al castellano ☒ SI ☐ NO						
REQUISITOS PARA EL RECONOCIMIENTO DE LOS RESULTADOS DE EXÁMENES DE PATENTABILIDAD EFECTUADOS A SOLICITUDES EXTRANJERAS						
Para que la Superintendencia de Industria y Comercio pueda reconocer los resultados de exámenes de patentabilidad producidos por otras Oficinas de Propiedad Industrial se debe cumplir con las siguientes condiciones:						
(a) Al momento de solicitar el examen de patentabilidad, si el solicitante pide que se reconozcan exámenes de patentabilidad de otras oficinas extranjeras, deberá aportar junto con el pago de la tasa correspondiente, los siguientes anexos:						
(i) Copia de las resoluciones, fallos o decisiones que han sido relevantes para la determinación de la patentabilidad de la(s) solicitud(es) en la Oficina que haya proferido el examen de patentabilidad que contienen reivindicaciones patentables u otorgables que son la base de la petición, y si es del caso, su traducción al castellano. ☒ SI ☐ NO						
(ii) Copia de todas las reivindicaciones determinadas como patentables u otorgables en la Oficina que profirió el examen de patentabilidad y, si es del caso, su traducción al castellano. ☒ SI ☐ NO						
(iii) Copia de los antecedentes, información o documentos citados por el examinador de la Oficina de Primera Presentación del examen de patentabilidad, en las resoluciones, fallos o decisiones correspondientes, incluyendo la literatura no patente.						

☐ SI	☒ NO
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☒ SI ☐ NO

Junto a cada firma, indicar el nombre del firmante y su calidad (si tal calidad no es obvia al leer el petitorio)

John P. Pender

6	TABLA DE CORRESPONDENCIA DE REIVINDICACIONES		
	Reivindicaciones en la solicitud en Colombia	Reivindicaciones otorgables en la solicitud internacional	Explicación sobre la suficiente correspondencia ó Comentarlos que explican la correspondencia
Reivindicaciones 1 a 17, modificadas con fecha 4 de octubre de 2016.		Las Reivindicaciones 1 a 20 modificadas por el solicitante el 20 de enero de 2015, en respuesta a la Acción Oficial no final expedida por la USPTO.	- Las Reivindicaciones actuales 1 a 5 corresponden enteramente a las Reivindicaciones 1 a 5 otorgadas en los Estados Unidos. - Las Reivindicaciones actuales 6 a 13 corresponden enteramente a las Reivindicaciones 7 a 14 otorgadas en los Estados Unidos. - Las Reivindicaciones actuales 14 a 17 corresponden enteramente a las Reivindicaciones 16 a 19 otorgadas en los Estados Unidos. Las Reivindicaciones 6 y 15 de la patente Estadounidense US 9,027,754, no se incluyen en el presente trámite por cuanto incorporan elementos objetados por ese Despacho en cuanto a claridad.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

23556 7590 02/03/2015
KIMBERLY-CLARK WORLDWIDE, INC.
Patent Docketing
2300 Winchester Rd.
NEENAH, WI 54956

EXAMINER

GEHMAN, BRYON P

ART UNIT PAPER NUMBER

3728

DATE MAILED: 02/03/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/917,177

06/13/2013

Maggie VanderHeiden Berger

64917537US01

4926

TITLE OF INVENTION: Resealable and Refillable Wipes Dispenser

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	05/04/2015

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23556 7590 02/03/2015
KIMBERLY-CLARK WORLDWIDE, INC.
Patent Docketing
2300 Winchester Rd.
NEENAH, WI 54956

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/917,177	06/13/2013	Maggie VanderHeiden Berger	64917537US01	4926

TITLE OF INVENTION: Resealable and Refillable Wipes Dispenser

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	05/04/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
GEHMAN, BRYON P	3728	206-494000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 1 _____ 2 _____ 3 _____
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies _____	4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) ☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).
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5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/917,177	06/13/2013	Maggie VanderHeiden Berger	64917537US01	4926

23556 7590 02/03/2015
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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 02/03/2015

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/917,177	Applicant(s) BERGER ET AL.	
	Examiner BRYON GEHMAN	Art Unit 3728	AIA (First Inventor to File) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 20 January 2015.
☐ A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1 and 3-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. ☒ Notice of References Cited (PTO-892) | 5. ☐ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other _____ |
| 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____ | |

/BRYON GEHMAN/
Primary Examiner, Art Unit 3728

Notificación de admisibilidad	Solicitud No. 13/917,177	Solicitante(s) BERGER ET AL.	
	Examinador BRYON GEHMAN	Unidad de Arte 3728	AIA (Primer Inventor para Archivo) Estado SI

- LA FECHA DE ENVÍO de esta comunicación aparece en la portada con la dirección de correspondencia ----

Todas las reivindicaciones que son permisibles, EL ENJUICIAMIENTO DE LOS MÉRITOS ES (O PERMANECE) cerrados en esta solicitud. Si no está adjunta (o enviada previamente por correo), una notificación de permisibilidad (PTOL-85) u otra comunicación apropiada será enviada por correo a su debido tiempo. **ESTE AVISO DE PERMISIBILIDAD ES GARANTÍA DE DERECHOS DE PATENTE.** Esta solicitud está sujeta a la retirada de la emisión por iniciativa de la Oficina o previa petición del solicitante. Ver 37 CFR 1.313 y MPEP 1308.

1. ☒ Esta comunicación responde la modificación presentada el 20 de enero de 2015.
☐ Declaración fiscal(s)/declaración jurada(s) bajo 37 CFR 1.130 (b) se han presentado en _____.

2. ☐ El solicitante hizo una elección en respuesta a un requisito de restricción establecido durante la entrevista en _____; el requisito c restricción y la elección se han incorporado a esta acción.

3. ☒ La(s) reivindicación(es) permitida(s) es/son 1 y 3-20. Como resultado de la(s) reivindicación(es) permitida(s), usted puede ser elegible pa beneficiarse del programa Examen de Solicitudes de Patente (Patent Prosecution Highway) en una oficina de propiedad intelectual participan para la solicitud correspondiente. Para obtener más información, por favor ver <http://www.uspto.gov/patents/init events/pph/index.jsp> o envíe ur consulta a PPHfeedback@uspto.gov.

4. ☐ Se hace reconocimiento a una reivindicación de prioridad extranjera en virtud de 35 U.S.C. § 119 (a) - (d) o (f).
Copias certificadas:
a) ☐ Todo b) ☐ algunos* c) ☐ Ninguna de las:
1. ☐ Se han recibido copias certificadas de los documentos de prioridad.
2. ☐ Se han recibido copias certificadas de los documentos de prioridad en la solicitud N°. _____
3. ☒ Se han recibido copias de las copias certificadas de los documentos de prioridad en esta solicitud en etapa nacional de la Oficir internacional (Regla 17.2 del PCT (a)).
* Copias certificadas no recibidas: _____.

El solicitante tiene TRES MESES A PARTIR DE LA "FECHA DE ENVÍO" de esta comunicación para presentar una respuesta que cumpla con lk requisitos indicados a continuación. La falta de cumplimiento al tiempo resultará en abandono de esta solicitud.
ESTE PERIODO DE TRES MESES NO ES EXTENSIBLE.

5. ☐ DIBUJOS CORREGIDOS se deben presentar (como "hojas de reemplazo").
☐ incluyendo los cambios requeridos por la Modificación/comentarios adjuntos del Examinador o en la acción de la Oficina del Documento No. / Fecí de Correo. _____

Se deben escribir indicios de identificación tales como el número de solicitud (ver 37 CFR 1.84 (c)) en los dibujos, en la parte delantera (no la par de atrás) de cada hoja. Las hojas de reemplazo(s) se deben etiquetar tal como en el encabezamiento de acuerdo con 37 CFR 1.121 (d).

6. ☐ Se debe presentar DEPÓSITO DE y/o información sobre el depósito de MATERIAL BIOLÓGICO. Nota: el comentario adjunto del examinador en cuanto EL REQUERIMIENTO PARA EL DEPOSITO DE MATERIAL BIOLÓGICO.
Adjunto (s)

1. ☒ Aviso de las referencias citadas (PTO-892) 2. ☐ Declaraciones descritas en la información (PTO/SB/08), Documento No. /fecha de correo _____ 3. ☐ Comentarios del Examinador en cuanto a los requerimientos para del depósito de material biológico 4. ☐ Resumen de la entrevista (PTO-413), Documento No. / Fecha de correo _____	5. ☐ Modificación/Comentarios del Examinador 6. ☐ Declaración del Examinador de las razones para la concesión. 7. ☐ Otro
--	---

/BRYON GEHMAN/
Examinador Primario, Unidad de arte 3728



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/917,177	06/13/2013	Maggie VanderHeiden Berger	64917537US01	4926
23556 7590 10/27/2014 KIMBERLY-CLARK WORLDWIDE, INC. Patent Docketing 2300 Winchester Rd. NEENAH, WI 54956			EXAMINER GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	
			MAIL DATE	DELIVERY MODE
			10/27/2014	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 13/917,177	Applicant(s) BERGER ET AL.	
	Examiner BRYON GEHMAN	Art Unit 3728	AIA (First Inventor to File) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 10/20/14.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-20 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on 6/13/13 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.
2. Claim 1 is objected to because of the following informalities: In line 2, "therefrom" is misspelled. Appropriate correction is required.
3. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 and 12-20 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. In claim 1, line 2, "thererfrom(sic)" is indefinite what such refers back to.

In the preamble of each of claims 2-10 and 12-20, the element "the resealable container" lacks antecedent basis, as claim 1 defines a "resealable container system", and claim 11 defines a "refillable wipes dispenser system" and never any "resealable container".

In claims 2 and 3, to be consistent and clear, "second surface" in line 3 should be --second top surface--.

In claims 6 and 15, "the angle a between...", is indefinite, as it is indefinite what distinguishes the angle, as "between" is insufficient. In line 2 of each claim, the metes and bounds of "about 30 (degrees) to about 60 degrees" is indefinite due to the use of the relatively general term "about". Also, both parameters should be provided with degree indicators.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

6. Claims 1 and 7-10 are rejected under 35 U.S.C. 102(a)(2) as being anticipated by Joslyn et al. (5,050,737). Claims 1 and 7-10 are rejected under 35 U.S.C. 102(a)(2) as being anticipated by JP 2002-128141. Each discloses a resealable container comprising a base (14; 1; respectively), a refill cartridge (10; 32) having a wall portion (30; including 3, 4, 4) defining a storage volume, and an open top, and a lid (20; 21) comprising a cover portion (planar top of 20; 22), a lid peripheral edge (between the planar top of 20 and 24; between 22 and 77, 78), the cartridge having a top peripheral edge (between 30 and 32; between 33, and 34 and 35), an annular rim (32 abutting 34; 34 and 35) and a skirt (free edge of 32 abutting 34; spaced from 33 and extending from the free edge of one of 34 and 35), extending therefrom, the annular rim having a first

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top surface (32 abutting 34; top of 34 or 35) lying in a first plane, and the skirt having a second top surface (surface of the free edge of 32 abutting 34; outer surface spaced from 33 and extending from the free edge of one of 34 and 35) lying in a second plane wherein the first and second planes do not lie in the same plane.

As to claim 7, each discloses a wiping substrate (12; 40) disposed within the refill cartridge.

As to claim 8, each discloses the annular rim (32 abutting 34; 34 and 35) contacts the base when the refill cartridge is inserted into the base.

As to claim 9, each discloses the lid (20; 21) connected to the base by a hinge (see Figures 3 and 4; see 16).

As to claim 10, each discloses the refill cartridge with a cup shape and the annular rim (32 abutting 34; 34 and 35) having a substantially flat top surface.

7. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 are rejected under 35 U.S.C. 103 as being unpatentable over either one of Joslyn et al. and JP 2002-128141 in view of Luburic (7,926,674). Joslyn et al. and JP 2002-128141 have been explained above, and further disclose a peelable seal

(34; 39), but not the arrangement of a sealing member disposed on the lid contacting the second top surface when the lid is in a closed position. However, Luburic discloses a container system where a peelable seal (100) is disposed on a first top surface (horizontal planar portion connecting 112 to 106) and a sealing member (between 120 and the planar top portion of 104) disposed on a lid (104), wherein the sealing member contacts a second top surface (112) when the lid is in a closed position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide either one of Joslyn et al. and JP 2002-128141 with a peelable seal and sealing member combination in the manner of Luburic as claimed, as such a modification would predictably to improvingly seal the container of either one of Joslyn et al. and JP 2002-128141. "A combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int 'l v. Teleflex Inc.*, 127 S. Ct. 1731, 82 USPQ2d at 1396.

As to claims 3 and 4, to employ different materials to comprise the sealing member and lid in and of itself fails to distinguish any new or unobvious result. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. See *In re Leshin*, 125 USPQ 416. Also, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

As to claim 5, Luburic further discloses a second sealing member (122) and a skirt (between 112 and 121).

9. Claims 1-19 are rejected under 35 U.S.C. 103 as being unpatentable over Anderson (3,784,055) in view of Luburic (7,926,674). Claims 1-18 and 20 are rejected under 35 U.S.C. 103 as being unpatentable over Anderson (3,784,055) in view of Hoffman (4,350,263). Anderson disclose a resealable container comprising a base (15), a refill cartridge (13) having a wall portion (vertical portion of 13) defining a storage volume, and an open top, and a lid (16) comprising a cover portion (22), a lid peripheral edge (between 22 and 23), the cartridge having a top peripheral edge (19). Anderson does not disclose further particularities of its sealed perimeter. However, Luburic and Hoffman each discloses a cartridge (102; 10) having a wall portion (106; 16) defining a storage volume, and an open top, the cartridge having a top peripheral edge (between 106 and 112; between 16 and 52), an annular rim (planar portion between 106 and 112; 52) and a skirt (112; above 52), extending therefrom, the annular rim having a first top surface lying in a first plane, and the skirt having a second top surface (outer surface of 112; canted portion between 48 and 30) lying in a second plane, a first seal (100; 38) peelably sealed on the first top surface and a sealing member (120; between 30 and 48) configured such that when the lid is in a closed position the sealing member contacts the second top surface to form a second seal, wherein the first and second planes do not lie in the same plane. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Anderson with a peelable seal sealing

member combination in the manner of either one of Luburic and Hoffman as claimed, as such a modification would predictably to improvingly seal the container of Anderson. "A combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int 'l v. Teleflex Inc.*, 127 S. Ct. 1731, 82 USPQ2d at 1396.

As to claims 3-4 and 12-13, to employ different materials to comprise the sealing member and lid in and of itself fails to distinguish any new or unobvious result. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. See *In re Leshin*, 125 USPQ 416. It has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Anderson discloses the sealing member and lid formed from different materials, the sealing member being an elastomer.

As to claims 5 and 14, Luburic and Hoffman further disclose a second sealing member (122; 46) and a third top surface (between 112 and 121; 30).

As to claims 6 and 15, Luburic and Hoffman each disclose the angle difference between the first and second planes is about 30 degrees to 60 degrees.

As to claims 7 and 16, Anderson discloses a wiping substrate (11) disposed within the refill cartridge.

As to claims 8 and 17, Anderson discloses the annular rim (19) contacts the base when the refill cartridge is inserted into the base.

As to claims 9 and 18, Anderson discloses the lid (16) connected to the base by a hinge (30).

As to claim 10, Anderson discloses the refill cartridge with a cup shape and the annular rim (19) having a substantially flat top surface.

As to claim 19, the second seal of Luburic is lower than the first seal.

As to claim 20, the second seal of Hoffman is above the first seal.

10. **Prior Art not relied upon:** Please refer to the additional references listed on the attached PTO-892, which, while not relied upon for the claim rejection, these references are deemed relevant to the claimed invention as a whole.

11. The references cited by applicant on the 1449 have been added to the 892, as the 1449 page of references did not annotate via computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYON P. GEHMAN whose telephone number is (571) 272-4555. The examiner can normally be reached on Tuesday through Thursday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryon P. Gehman/
Primary Examiner, Art Unit 3728

Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG



OFICINA DE PATENTES Y MARCAS DE LOS ESTADOS UNIDOS

DEPARTAMENTO DE COMERCIO DE LOS ESTADOS UNIDOS
Oficina de Patentes y Marcas de E.U
Dirección: COMISIONADO PARA PATENTES
P.O. Box 1450
Alexandria, Virginia 22313-1450
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SOLICITUD NO.	FECHA DE RADICACIÓN	PRIMER INVENTOR NOMBRADO	EXPEDIENTE LEGAL NO.	CONFIRMACION NO.
13/917,177	06/13/2013	Maggie VanderHeiden Berger	64917537US01	4926
23556	7590	10/27/2014	EXAMINADOR	
KIMBERLY-CLARK WORLDWIDE, INC.			GEHMAN, BRYON P.	
Tammi Langin			UNIDAD DE ARTE NÚMERO DE DOCUMENTO	
2300 Winchester Rd.			3728	
NEENAH, WI 54956			FECHA DE NOTIFICACIÓN MODO DE NOTIFICACIÓN	
			10/27/2014 PAPEL	

Por favor encuentre más adelante y/o adjunto una comunicación de la Oficina relativa a esta solicitud o proceso.
El período de tiempo para la respuesta, si la hay, está establecido en la comunicación adjunta.

Resumen de la Acción oficial	Solicitud No. 13/917,177	Solicitante(s) BERGER ET AL.	
	Examinador BRYON GEHMAN	Unidad de Arte 3728	Estado AIA (Primer inventor en archivo) SI

LA FECHA DE ENVÍO de esta comunicación aparece en la portada con la dirección de correspondencia - - .
Plazo para responder

UN PERÍODO ESTATUTARIO ACORTADO PARA RESPONDER SE ESTABLECE QUE EXPIRA EN 3 MES (S) O TREINTA (30) DÍAS, EL QUE SEA MAYOR, DESDE LA FECHA DE ENVÍO DE ESTA COMUNICACIÓN.

- Extensiones de tiempo pueden estar disponibles bajo las disposiciones de 37 CFR 1.136 (a). En ningún caso, sin embargo, se puede presentar una respuesta a tiempo después de SEIS (6) MESES a partir de la fecha de envío de esta comunicación.
- Si NO se especifica el periodo para respuesta anteriormente, el periodo estatutario máximo se aplicará y expirará en SEIS (6) MESES a partir de la fecha de envío de esta comunicación.
- La falta de respuesta dentro de lo establecido o el periodo extendido para responder causará, por ley, que la solicitud se convierta en abandonada (35 U.S.C. § 133). Cualquier respuesta recibida por la Oficina después de tres meses de la fecha de envío de esta comunicación, aunque se presente a tiempo, puede reducir cualquier ajuste en el término obtenido de la patente. Ver 37 CFR 1.704 (b).

Estado

1) ☒ En respuesta a la comunicación(es) presentada el 10/20/2014.
☐ Una(s) declaración (es) / jurada (s) de conformidad con 37 CFR 1.130 (b) se han presentado el _____.

2a) ☒ Esta acción es FINAL. 2b) ☒ Esta acción no es final.

3) ☐ Una elección fue hecha por el solicitante en respuesta a un requisito de restricción establecida durante la entrevista en _____; el requisito de restricción y las elecciones se han incorporado a esta acción.

4) ☐ Puesto que esta solicitud se encuentra en estado de asignación a excepción de las cuestiones formales, el enjuiciamiento sobre el fondo se cierra de acuerdo con la práctica de conformidad con Ex parte Quayle, 1935 CD 11, 453 O.G. 213.

Disposición de las reivindicaciones*

5) ☒ Reivindicación(es) 1-20 es/están pendiente en la solicitud.
5a) de la reivindicación(es) anteriores _____ es/están fuera de consideración.

6) ☐ Reivindicación(es) _____ es/están permitidas.

7) ☒ Reivindicación(es) 1-20 es/están rechazadas.

8) ☐ Reivindicación(es) es/están objetadas

9) ☐ Reivindicación(es) _____ están sujetas a la restricción y/o requerimiento de elección.

* Si cualquiera de las reivindicaciones ha sido determinada permisible, usted puede ser elegible para beneficiarse del programa Patent Prosecution Highway (Autopista de Proceso de Patente) en una oficina de propiedad intelectual participante para la solicitud correspondiente. Para obtener más información, por favor ver <http://www.uspto.gov/patents/init events/pph/index.isp> o envíe una consulta a PPHfeedback@uspto.gov.

Documentos de la Solicitud

10) ☐ La especificación es objetada por el examinador.

11) ☒ El(os) dibujo (s) presentados el 06/13/13 es/están: a) ☒ aceptado(s) o b) ☒ objetado(s) por el examinador.
El solicitante no podrá pedir que una objeción al dibujo (s) se mantenga en suspenso. Ver 37 CFR 1.85 (a).
Se requiere hoja (s) de dibujo de reemplazo que incluyen la corrección del dibujo (s) objetado(s). Ver 37 CFR 1.121 (d).

Prioridad de conformidad con 35 U.S.C. § 119

12) ☐ se hace referencia a una reivindicación de prioridad extranjera en virtud de 35 U.S.C. § 119 (a) - (d) o (f).

Copias certificadas:

a) ☐ Todo b) ☒ Algunos* c) ☐ Ninguna de las

1. ☐ Copias certificadas de los documentos de prioridad se han recibido.

2. ☐ Copias certificadas de los documentos de prioridad que se hayan recibido en la solicitud N°. _____

3. ☐ Copias de las copias certificadas de los documentos de prioridad que se hayan recibido en esta solicitud en etapa nacional de la Oficina internacional (Regla 17.2 del PCT (a)).

* Ver la acción detallada de la Oficina adjunta de una lista de las copias certificadas no recibidas.

Adjunto(s) ☒ Aviso de las referencias citadas (PTO-892) ☒ Declaraciones descritas en la información (PTO/SB/08), Documento No. /fecha de correo _____	3. ☐ Resumen de la entrevista (PTO-413), Documento No. / Fecha de correo _____ 4. ☐ Otro _____
--	--

1. La presente solicitud, presentada en o después del 16 de marzo de 2013 se está examinando bajo el primer inventor en presentar disposiciones del AIA.
2. La reivindicación 1 se objeta debido a las siguientes informalidades: En la línea 2, "therefrom" está mal escrito. Se requiere la corrección apropiada.
3. La siguiente es una cita del U.S.C. 112(b):
(b) CONCLUSIÓN.- la Descripción deberá concluir con una o más reivindicaciones particularmente señalando y reclamando distintivamente la materia que es referida como invención por el inventor o inventor asociado.

La siguiente es una cita del U.S.C. 112 (pre-AIA), segundo párrafo:

La Descripción deberá concluir con una o más reivindicaciones particularmente señalando y reclamando distintivamente la materia que el solicitante refiere como su invención.

4. Las reivindicaciones 1-10 y 12-20 son rechazadas bajo 35 U.S.C. 112(b) o 35 U.S.C. 112 (pre-AIA), segundo párrafo, al ser indefinidas por fallar en señalar particularmente y reclamar distintivamente la materia que es referida como invención por el inventor o inventor asociado, o por el solicitante pre-AIA. En la reivindicación 1, línea 2, "thererfrom(sic)" es indefinido a lo que se refiere.

En el preámbulo de cada una de las reivindicaciones 2-10 y 12-20, el elemento "el contenedor resellable" carece de bases de antecedentes, en tanto que la reivindicación 1 define un "sistema contenedor resellable", y la reivindicación 11 define un "sistema dispensador de toallitas resellable".

En las reivindicaciones 2 y 3, para ser claros y consistentes, "segunda superficie" en la línea 3 debería ser —segunda superficie superior—

5. La siguiente es una cita de los párrafos apropiados de 35 U.S.C. 102 que forman la base para el rechazo hecho en esta Acción Oficial bajo esta sección:

Deberá entregarse título de patente a una persona a menos que —

(a)(2) la invención reclamada estuviera descrita en una patente presentada bajo la sección 151, o en una solicitud de patente publicada o considerada publicada bajo la sección 122(b), en donde la patente o

solicitud, como sea el caso, nombre otro inventor y fuera efectivamente presentada antes de la fecha de presentación efectiva de la invención reclamada.

6. Las reivindicaciones 1 y 7-10 se rechazaron bajo 35 U.S.C. 102(a)(2) al ser anticipadas por Joslyn et al. (5,050,737). Las reivindicaciones 1 y 7-10 se rechazaron bajo 35 U.S.C. 102(a)(2) al ser anticipadas por JP 2002-128141. Cada uno presenta un contenedor resellable que comprende una base (14;1; respectivamente), un cartucho de relleno (10;32) que tiene un porción de pared (30; incluyendo 3, 4, 4) que define un volumen de almacenamiento, y una parte superior abierta, y una tapa (20;21) que comprende una porción de cubierta (parte superior planar de 20;22), un borde periférico (entre la parte superior planar de 20 y 24; entre 22 y 77, 78), el cartucho tiene un borde superior periférico (entre 30 y 32; entre 33, y 34 y 35), un reborde anular (32 lindante con 34; 34 y 35) y un faldón (borde libre de 32 lindante con 34; separado de 33 y que se extiende desde el borde libre de uno de 34 y 35), que se extiende desde allí, el reborde anular tiene una primera superficie superior (32 lindante con 34; parte superior de 34 y 35) que yace en un primer plano, y el faldón que tiene una segunda superficie superior (superficie del borde libre de 32 lindante con 34; superficie externa separada desde 33 y que se extiende desde el borde libre de uno de 34 y 35) que yace en un segundo plano en donde el primer y segundo plano no quedan en el mismo plano.

En cuanto a la reivindicación 7, cada uno divulga un sustrato de limpieza (12; 40) dispuesto dentro del cartucho de relleno.

En cuanto a la reivindicación 8, cada uno divulga que el reborde anular (32 lindante con 34; 34 y 35) está en contacto con la base cuando el cartucho de relleno se inserta en la base.

En cuanto a la reivindicación 9, cada uno divulga que la tapa (20; 21) se conecta a la base por una bisagra (ver Figuras 3 y 4; ver 16).

En cuanto a la reivindicación 10, cada uno divulga el cartucho de relleno con una forma de copa y que el reborde anular (32 lindante con 34; 34 y 35) tiene una superficie superior sustancialmente plana.

7. La siguiente es una cita de 35 U.S.C. 103 que forma la base para todos los rechazos por obviedad levantados en esta acción Oficial:

Una patente de una invención reivindicada puede no obtenerse, a pesar de que la invención reclamada no sea divulgada idénticamente como se expone en la sección 102 de este título, si las diferencias entre la invención reivindicada y el arte previo son tales que la invención como un todo hubiera sido obvia antes de la fecha de presentación efectiva de la invención reclamada para una persona versada en el arte a quien concierna la invención reclamada. La patentabilidad no será negada por la manera en que la invención fue hecha.

8. Las reivindicaciones 2-5 se rechazan bajo 35 U.S.C. al no ser patentables sobre cualquiera de Joslyn et al. Y JP 2002-128141 en vista de Luburic (7,926,674). Joslyn et al. Y JP 2002-128141 se han explicado arriba, y divulgan además un sello despegable (34; 39), pero no el arreglo de un miembro de sella dispuesto en la tapa en contacto con la segunda superficie superior cuando la tapa está en posición cerrada. Sin embargo, Luburic divulga un sistema contenedor en donde un sello despegable (100) está dispuesto en una primera superficie superior (porción planar horizontal que conecta 112 a 106) y un miembro de sellado (entre 120 y la porción planar superior de 104) dispuesto en una tapa (104), en donde el miembro de sellado está en contacto con una segunda superficie superior (112) cuando la tapa está en una posición cerrada. Hubiera sido obvio para una persona versada en el arte al momento en que se realizó la invención, proporcionarle a ya sea Joslyn et al. o JP 2002-128141 una combinación de sello despegable y miembro de sellado en la manera de Luburic como se reclama, ya que predeciblemente tal modificación sellaría de manera mejorada el contenedor de cualquiera de Joslyn et al. Y JP 2002-128141. "Una combinación de elementos familiares de acuerdo con métodos conocidos es probablemente obvia cuando no hace más que generar resultados predecibles" *KSR Int 'l v. Teleflex Inc.*, 127 S. Ct. 1731, 82 USPQ2d en 1396.

En cuanto a las reivindicaciones 3 y 4, emplear diferentes materiales para comprender un miembro de sellado y tapa en y del mismo, falla en distinguir cualquier resultado nuevo o no-obvio. Se ha considerado como parte de la capacidad general de un trabajador en el arte, la selección de un material conocido con base en su pertinencia para el uso destinado como un obvio asunto de elección de diseño. Ver *In re Leshin*, 125 USPQ 416. También, se ha considerado que construir una estructura anteriormente integral en varios elementos involucra solo habilidades de rutina en el arte. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

En cuanto a la reivindicación 5, Luburic además divulga un segundo miembro de sellado (122) y un faldón (entre 112 y 121).

9. Las reivindicaciones 1-19 se rechazan bajo 35 U.S.C. 103 al no ser patentables sobre Anderson (3,784,055) en vista de Luburic (7,926,674). Las reivindicaciones 1-18 y 20 se rechazan bajo 35 U.S.C. 103 al no ser patentables frente Anderson (3,784,055) en vista de Hoffman (4,350,263). Anderson divulga un contenedor resellable que comprende una base (15), un cartucho de relleno (13) que tiene una porción de pared (porción vertical de 13) que define un volumen de almacenamiento, y una parte superior abierta, y una tapa (16) que comprende una porción de cubierta (22), un borde periférico de tapa (entre 22 y 23), el cartucho tiene un borde superior periférico (19). Anderson, no divulga particularidades adicionales de su perímetro sellado. Sin embargo, Luburic y Hoffman presentan cada uno un cartucho (102; 10) que tiene una porción de pared (106; 16) que defina un volumen de almacenamiento, y una parte superior abierta, el cartucho tiene un borde superior periférico (entre 106 y 112; entre 16, y 52), un reborde anular (porción planar entre 106 y 112; 52) y un faldón (112; sobre 52), que se extiende desde allí, el reborde anular tiene una primera superficie superior que yace en un primer plano, y el faldón que tiene una segunda superficie superior (superficie externa de 112; porción inclinada entre 48 y 30) que hace en un segundo plano, el primer sello (100; 38) sellado despegablemente en la primera superficie superior y un miembro de sellado (120; entre 30 y 48) configurado de modo que cuando la tapa está en una posición cerrada el miembro de sellado queda en contacto con la segunda superficie superior para formar un segundo sello, en donde el primer y segundo plano no quedan en el mismo plano. Hubiera sido obvio para una persona versada en la materia, al momento que se realizó la invención, proporcionarle a Anderson una combinación de sello despegable miembro de sellado, en la manera de uno de Luburic y Hoffman como se reivindica, dado que tal modificación predeciblemente sellaría de manera mejorada el contenedor de Anderson "Una combinación de elementos familiares de acuerdo con métodos conocidos es probablemente obvia cuando no hace más que generar resultados predecibles" *KSR Int 'l v. Teleflex Inc.*, 127 S. Ct. 1731, 82 USPQ2d en 1396.

En cuanto a las reivindicaciones 3-4 y 12-13, emplear diferentes materiales para comprender un miembro de sellado y tapa en y del mismo, falla en distinguir cualquier resultado nuevo o no-obvio. Se ha considerado como parte de la capacidad general de un trabajador en el arte, la selección de un material conocido con base en su pertinencia para el uso destinado como un obvio asunto de elección de diseño. Ver *In re Leshin*, 125 USPQ 416. También, se ha considerado que construir una estructura anteriormente integral en varios elementos involucra solo habilidades de rutina en el arte. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Anderson divulga el miembro de sellado y la tapa formada a partir de diferentes materiales, el miembro de sellado siendo un elastómero.

En cuanto a las reivindicaciones 5 y 14, Luburic y Hoffman divulgan además un segundo miembro de

sellado (122; 469 Y una tercera superficie superior (entre 112 y 121; 30).

En cuanto a las reivindicaciones 6 y 15, Luburic y Hoffman divulgan cada uno que el ángulo de diferencia entre el primer y segundo plano es de alrededor de 30 grados a 60 grados.

En cuanto a las reivindicaciones 7 y 16, Anderson divulga un sustrato de limpieza (11) dispuesto dentro del cartucho de relleno.

En cuanto a las reivindicaciones 8 y 17, Anderson divulga que el reborde anular (19) entra en contacto con la base cuando el cartucho de recarga se inserta en la base.

10. **Arte previo no invocado:** Por favor referirse a la bibliografía adicional listada en el PTO-892 anexo, la cual, a pesar de no considerarse para el rechazo de reivindicación, estas referencias son consideradas relevantes para la invención reclamada como un todo.
11. Las referencias citadas por el solicitante en la 1449 se han agregadas a la 892, dado que la página 1449 de referencias no se anotó vía computador.

Cualquier interrogante concerniente a esta comunicación o comunicaciones anteriores del examinador deben dirigirse a BRYON GEHMAN cuyo número telefónico es (571)272-455. El examinador puede contactarse normalmente de lunes a jueves de 7:30AM a 5:00PM.

Si los intentos de contactar con el examinador por teléfono no son exitosos, puede llamar al supervisor del examinador, Mickey Yu al 571-272-4562. El número de fax para la organización donde se asigna esta solicitud o procedimiento es 571-273-8300.

Puede obtenerse información sobre el estado de una solicitud de parte del Sistema de Recuperación de Información de Solicitudes de Patente (PAIR). Se puede obtener información del estado para solicitudes publicadas del PAIR privado o PAIR público. La información del estado para solicitudes sin publicar se encuentra disponible solo por el PAIR privado. Para más información acerca del sistema PAIR, ver <http://pair-direct.uspto.gov>. En caso de tener preguntas sobre acceso al sistema PAIR privado, contacte al Centro Electrónico de Negocios (EBC) al 866-217-9197 (línea gratuita). Si prefiere asistencia de un Representante de Servicio al Cliente de la USPTO o accesar al sistema de información automatizada, llame al 800-786-9199 (EN ESTADOS UNIDOS O CANADÁ) o 571-272-1000.

/Bryon P. Gehman/
Examinador Primario, Unidad de Arte 3728

Bryon P. Gehman
Examinado Primario
Unidad de Arte 3728

BPG

In the United States Patent and Trademark Office

Applicants:	Maggie VanderHeiden Berger et al.	Docket No.:	64917537US01
Application No.:	13/917,177	T.C./A.U.:	3728
Confirmation No.:	4926	Examiner:	Bryon P. Gehman
Filed:	06/13/2013	Date:	01/20/2015
For:	RESEALABLE AND REFILLABLE WIPES DISPENSER		

Amendment

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.111 and in response to the Office Action mailed 10/27/2014, the following amendments and remarks are submitted for your consideration.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A resealable container system comprising a base, a refill cartridge and a lid having a sealing member, the refill cartridge having a top peripheral edge, an annular rim and a rim skirt extending therefrom from the annular rim, the annular rim having a first top surface lying in a first plane, and the rim skirt having a second top surface lying in a second plane, wherein the first and second planes do not lie in the same plane, a film peelably adhered to the first top surface forming a first seal and the sealing member contacting the second top surface when the lid is in a closed position forming a second seal.
2. (Cancelled).
3. (Currently Amended) The resealable container system of claim 2-1 wherein the sealing member surrounds at least a portion of the lid and is formed from a material different from the lid, and the sealing member sealingly engages with the second surface top surface when the lid is in a closed position.
4. (Currently Amended) The resealable container system of claim 2-1 wherein the sealing member comprises a thermoplastic elastomer.
5. (Currently Amended) The resealable container system of claim 2-1 further comprising a second sealing member disposed on the lid and a skirt having a third top surface lying in a third plane wherein the third plane does not lie in the same plane as the first or second planes.
6. (Currently Amended) The resealable container system of claim 1 wherein the ~~angle α between the first and the second planes~~ define an angle α is from about 30° to about 60°.
7. (Currently Amended) The resealable container system of claim 1 further comprising a wiping substrate disposed within the refill cartridge.

8. (Currently Amended) The resealable container system of claim 1 wherein the annular rim of the refill cartridge contacts the base when the refill cartridge is inserted into the base.
9. (Currently Amended) The resealable container system of claim 1 wherein the lid is connected to the base by a hinge.
10. (Currently Amended) The resealable container system of claim 1 wherein the refill cartridge has a cup shape and the first top surface is annular rim has a substantially flat top surface.
11. (Currently Amended) A refillable wipes dispenser system comprising a cartridge having a wall portion defining a storage volume and an open top, the open top circumscribed by a peripheral edge, an annular rim having a first top surface lying in a first plane and a skirt extending from the annular rim, the skirt having a second top surface lying in a second plane, a first seal peelably adhered to the first top surface; a lid configured to cover the open top in a sealing arrangement, the lid comprising a cover portion, a lid peripheral edge and a sealing member disposed adjacent to the lid peripheral edge and configured such that when the lid is in a closed position the sealing member contacts the second top surface to form a second seal; and wherein the first and second planes do not lie in the same plane.
12. (Currently Amended) The system of claim 11 wherein the sealing member surrounds at least a portion of the lid and is formed from a material different from the lid.
13. (Original) The system of claim 11 wherein the sealing member comprises a thermoplastic elastomer.
14. (Original) The system of claim 11 further comprising a second sealing member disposed on the lid and a skirt having a third top surface lying in a third plane wherein the third plane does not lie in the same plane as the first or second planes.
15. (Currently Amended) The system of claim 11 wherein the ~~angle α between the first and the second planes~~ define an angle α is from about 30° to about 60°.

- ✓ 16. (Original) The system of claim 11 further comprising a wiping substrate disposed within the refill cartridge.
- 17. (Original) The system of claim 11 wherein the annular rim of the refill cartridge contacts the base when the refill cartridge is inserted into the base.
- 18. (Original) The system of claim 11 wherein the lid is connected to the base by a hinge.
- 19. (Original) The system of claim 11 wherein the second seal lies below the first seal.
- 20. (Original) The system of claim 11 wherein the second seal lies above the first seal.

REMARKS/ARGUMENTS

Claims 1 and 3-20 are presented for the Examiner's consideration. Pursuant to 37 C.F.R. §1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

I. Claim Amendments

Claims 1, 3-12 and 15 have been amended. Claim 2 has been cancelled without prejudice or disclaimer.

Claim 1 has been amended to recite that the refill cartridge has a top peripheral edge, an annular rim and a rim skirt extending from the annular rim, the annular rim having a top surface lying in a first plane, and the rim skirt having a top surface lying in a second plane. Support for the instant amendment may be found, for example, in the specification at FIG. 2 and page 5, lines 11-16. Claim 1 has been further amended to recite that a peelable seal is disposed on the first top surface and a sealing member disposed on the lid, wherein the sealing member contacts the second surface top surface when the lid is in a closed position. Support for the instant amendment may be found, for example, in the specification at Original claim 2, FIG. 2 and page 5, lines 18-22.

Claim 15 has been amended to further specify that the sealing member is disposed adjacent to the lid peripheral edge. Support for the instant amendment may be found, for example, in the specification at FIGS. 1 and 2 and page 7, lines 21-23.

Applicant respectfully submits that the instant amendments do not constitute new matter.

II. Claim Rejections

A. Rejections under 35 U.S.C. §112

Claims 1-10 and 12-20 stand rejected under 35 U.S.C. §112(b) or 35 U.S.C. §112 (pre-AIA), second paragraph, as being indefinite. Applicant has amended claims 1 and 3-12 to address and overcome the Examiner's rejections. Applicant respectfully submits that the instant amendments moot the rejections.

B. Rejections under 35 U.S.C. §102

Claims 1 and 7-10 stand rejected under 35 U.S.C. §102(a)(2) as being anticipated by US 5,050,737 to Joslyn et al (“Joslyn”) and JP 2002-128141 to Shigeo et al. (“Shigeo”). The hallmark of anticipation is prior invention, therefore in order to anticipate under 35 U.S.C. § 102 a reference “must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008).

As amended, the claims require two seals be formed along the refill cartridge – a first peelable seal disposed on the first top surface and a second seal formed by the lid sealing member contacting the second surface top surface. Neither Joslyn nor Shigeo provide two seals along the refill cartridge. Shigeo provides a film 39 that appears to form a first peelable seal along one surface of the refill cartridge 31, however, the second seal is formed between the lid 21 and the base 1 along the peripheral base edge 11. *See* FIGS. 1 and 5. Joslyn provides a similar sealing arrangement. A first peelable seal is provided between a top flap 32 and the body of an envelope 28 along a pair of peripheral flanges 32, 34 (col. 3, ll. 24-27) and a second seal is provided between the tub flange 22 and the lid flange 24 (col. 2, ll. 56-59).

In view of the failure of Joslyn and Shigeo to disclose each and every element of the amended claims applicant respectfully requests withdrawal of the present rejection.

C. Rejections under 35 U.S.C. §103

Claims 2-5 stand rejected under 35 U.S.C. §103 as being unpatentable over either Joslyn or Shigeo in view of US Patent No. 7,926,674 to Luburic (“Luburic”). As an initial matter the Examiner has failed to establish a *prima facie* case of obviousness because all of the claimed elements are not found in the prior art. It continues to be well settled law that the failure of the prior art to teach or suggest each and every feature of a claim is fatal to an obviousness rejection under 35 U.S.C. § 103. *See In re Wada and Murphy*, Appeal 2007-3733 (Board holding that post-KSR obviousness determination still requires prior art to teach all elements); *see also CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (“obviousness requires a suggestion of all limitations in a claim”). Thus the MPEP requires the “consideration” of every claim feature in an

obviousness determination. MPEP §2143.03. Indeed, as the Board of Patent Appeals and Interferences stated in *Wada and Murphy* “a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.” Here, the references fail to teach or suggest a lid having a sealing member that contacts a second surface of a refill cartridge to form a second seal. Rather than teach the claimed sealing arrangement each reference teaches forming a seal between the base (Luburic 102, Joslyn 14 and Shigeo 6) and the lid (Luburic 104, Joslyn 24 and Shigeo 21). Thus, even if one of ordinary skill in the art were motivated to combine Luburic’s closure system with Joslyn or Shigeo, which motivations applicant contests, the combination would not yield the claimed invention.

While the failure of the art to teach all of the claimed elements is itself fatal, obviousness cannot be established here for the additional reason that there is nothing in the prior art that would motivate the skilled artisan to modify the prior art and arrive at the claimed invention. Where there are structural differences between the prior art and claimed invention – such as forming seals between different parts of the container – there must be something in the art that would have motivated the skilled artisan to make the structural modification. *In re Grabiak*, 769 F.2d 729, 731-32 (Fed. Cir. 1985) (To establish *prima facie* obviousness “there must be adequate support in the prior art for the . . . change in structure.”); *In re Lahu*, 747 F.2d 703, 705 (Fed. Cir. 1984) (“In determining whether a case of *prima facie* obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”). This principle was reaffirmed by the Supreme Court’s opinion in *KSR International Co. v. Teleflex Inc.*, which acknowledged the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” 550 U.S. 398, 418 (2007). The prior art however, provides no suggestion or reason for the skilled artisan to abandon the seal between the lid and the base and form the seal with a refill cartridge. Rather, it is more likely, in view of the prior art, that the skilled artisan would have pursued an improved seal between the lid and the carton such as that taught by Luburic.

Claims 1-19 also stand rejected under 35 U.S.C. §103 as being unpatentable over US 3,784,055 to Anderson (“Anderson”) in view of Luburic and US Patent No. 4,350,263 to

Hoffman et al. ("Hoffman"). The combination of Luburic, Hoffman and Anderson however, suffers the same deficiencies as the combination of Joslyn, Shigeo and Luburic – the references fail to suggest a lid having a sealing member that contacts a refill cartridge to form a second seal. Luburic and Hoffman, like to prior art discussed above, fail to teach a container having a refill cartridge. As such both references teach forming a seal between a base and the lid. Anderson does disclose a refill cartridge but provides no teaching or suggestion regarding forming a seal between the cartridge and the lid. Absent such teachings the skilled artisan combining Luburic, Hoffman and Anderson would have set out to improve upon the seal between the base and the lid and would not have been motivated to add a seal between the refill cartridge and lid, let alone a seal having the claimed configuration.

IV. Conclusion

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at (920) 721-3616.

Respectfully submitted,

By: /Michael J. Sullivan/

Michael J. Sullivan, Reg. No. 54,479

ELECTRONIC FILING CERTIFICATE

I, Cynthia M. Trudell, hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the United States Patent and Trademark Office using the Electronic Filing System (EFS-Web) on 01/20/2015.

By: /Cynthia M. Trudell/

Cynthia M. Trudell

Modificaciones a las Reivindicaciones

Esta lista de reivindicaciones reemplazará todas las versiones previas, y listados, de reivindicaciones en esta solicitud:

Lista de Reivindicaciones

1. (Actualmente modificada) Un sistema de contenedor resellable que comprende una base, un cartucho de relleno y una tapa que tiene un miembro de sellado, el cartucho de relleno tiene un borde periférico superior, un reborde anular y un faldón de reborde que se extiende ~~desde este~~ a partir del reborde anular, el reborde anular que tiene una primera superficie superior que se sitúa en un primer plano, y el faldón de reborde que tiene una segunda superficie superior que se sitúa en un segundo plano, en donde los primer y segundo planos no están en el mismo plano, una película desprendible adherida a la primera superficie superior forma un primer sello y el miembro de sellado está en contacto con la segunda superficie superior cuando la tapa está en una posición cerrada formando un segundo sello.
2. (Anulada)
3. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 2-1 en donde el miembro de sellado rodea al menos una porción de la tapa y está formado a partir de un material diferente al de la tapa, y el miembro de sellado se acopla herméticamente con la segunda superficie superior cuando la tapa está en una posición cerrada.
4. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 2-1 en donde el miembro de sellado comprende un elastómero termoplástico.

5. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 2 que comprende además un segundo miembro de sellado dispuesto en la tapa y un faldón que tiene una tercera superficie superior que se sitúa en un tercer plano en donde el tercer plano no está en el mismo plano que los primer o segundo planos.
6. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 1 en donde el ~~ángulo α entre~~ primer plano y el segundo plano definen un ángulo α es de entre de 30 a 60°.
7. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 1 que comprende además un sustrato de limpieza dispuesto dentro del cartucho de relleno.
8. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 1 en donde el reborde anular del cartucho de relleno entra en contacto con la base cuando el cartucho de relleno se inserta en la base.
9. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 1 en donde la tapa se conecta a la base por una bisagra.
10. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 1 en donde el cartucho de relleno tiene una forma de copa y ~~el reborde anular tiene una superficie superior~~ la primera superficie superior es sustancialmente plana.
11. (Actualmente modificada) Un sistema dispensador de toallitas rellenable que comprende un cartucho que tiene una porción de pared que define un volumen de almacenamiento y una parte superior abierta, la parte superior abierta circunscrita por un borde periférico, un reborde anular que tiene una primera superficie superior que se sitúa en un primer plano y un faldón que se extiende a partir del reborde anular, el faldón que tiene

una segunda superficie superior que se sitúa en un segundo plano, un primer sello separable adherido a la primera superficie superior; una tapa configurada para recubrir la parte superior abierta en un arreglo de sellado, la tapa que comprende una porción de recubrimiento, un borde periférico y un miembro de sellado dispuesto adyacente al borde periférico de la tapa y configurado de manera que cuando la tapa está en una posición cerrada el miembro de sellado entra en contacto con la segunda superficie superior para formar un segundo sello; y en donde los primer y segundo planos no están en el mismo plano.

12. (Actualmente modificada) El sistema de acuerdo con la reivindicación 11 en donde el miembro de sellado rodea al menos una porción de la tapa y se forma a partir de un material diferente al de la tapa.

13. (Original) El sistema de acuerdo con la reivindicación 11 en donde el miembro de sellado comprende un elastómero termoplástico.

14. (Original) El sistema de acuerdo con la reivindicación 11 que comprende además un segundo miembro de sellado dispuesto en la tapa y un faldón que tiene una tercera superficie superior que se sitúa en un tercer plano en donde el tercer plano no está en el mismo plano que los primer o segundo planos.

15. (Actualmente modificada) El sistema de acuerdo con la reivindicación 11 en donde el ~~ángulo α entre el primer plano y el segundo plano~~ definen un ángulo α es de entre de 30 a aproximadamente 60°.

16. (Actualmente modificada) El sistema de contenedor resellable de acuerdo con la reivindicación 11 que comprende además un sustrato de limpieza dispuesto dentro del cartucho de relleno.

17. (Original) El sistema de acuerdo con la reivindicación 11 en donde el reborde anular del cartucho de relleno entra en contacto con la base cuando el cartucho de relleno se inserta en la base.

18. (Original) El sistema de acuerdo con la reivindicación 11 en donde la tapa se conecta a la base por una bisagra.

19. (Original) El sistema de acuerdo con la reivindicación 11 en donde el segundo sello está por debajo del primer sello.

20. (Original) El sistema de acuerdo con la reivindicación 11 en donde el segundo sello está por encima del primer sello.

OBSERVACIONES/ARGUMENTOS

Las reivindicaciones 1 y 3-20 se presentan para consideración del examinador. En cumplimiento del 37 C.F.R §1.111, se solicita la reconsideración de la presente solicitud en vista de las modificaciones a continuación y los siguientes apuntes.

1. Reivindicaciones modificadas

Las reivindicaciones 1, 3-12 y 15 se han modificado. La reivindicación 2 se ha cancelado sin perjuicio o renuncia.

La reivindicación 1 se ha modificado para recitar que el cartucho de relleno tiene un borde periféricos superior, un reborde anular y una reborde de faldón desde el reborde anular, el reborde anular que tiene una superficie superior que recae en un primer plano, y el reborde de faldón que tiene una superficie superior que yace en un segundo plano. Se puede encontrar sustento para las modificaciones instantáneas, por ejemplo, en la Descripción en la FIG. 2 y página 5, líneas 11-16. La reivindicación 1 se ha modificación además para recitar que un sello despegable está dispuesto en la primera superficie superior y un miembro de sellado está dispuesto en la tapa, en donde el miembro de sellado entra en contacto con la segunda superficie superior cuando la tapa está en posición cerrada. Soporte para estas modificaciones instantáneas pueden encontrarse, por ejemplos, en la Descripción en la reivindicación original 2, FIG. 2 y página 5, líneas 18-22.

La reivindicación 15 se ha modificado para especificar adicionalmente que el miembro de sellado está dispuesto adyacente al borde periférico de la tapa. Soporte para esta modificación instantánea se puede encontrar, por ejemplo, en la Descripción en las FIGS. 1 y 2 y página 7, líneas 21-23.

El solicitante expone respetuosamente que las modificaciones instantáneas no constituyen nueva materia.

II. Rechazo de reivindicaciones

A. Rechazo bajo 35 U.S.C. §112

Las reivindicaciones 1-10 y 12-20 se encuentran rechazadas bajo 35 U.S.C. §112(b) o 35 U.S.C. §112 (pre-AIA), segundo párrafo, al ser indefinidas. El solicitante ha modificado las reivindicaciones 1 y 3-12 para hacer caso y superar las objeciones del Examinador. El Solicitante expone respetuosamente que las modificaciones instantáneas cuestionan el rechazo.

B. Rechazo bajo 35 U.S.C §102

Las reivindicaciones 1 y 7-10 se encuentran rechazadas bajo 35 U.S.C. §102(a)(2) al ser anticipadas por US 5,505, 737 de Joslyn et al ("Joslyn") y JP 2002-128141 de Shigeo et al. ("Shigeo"). El distintivo de anticipación es previo a la invención, por tanto para anticipar bajo 35 U.S.C. §102 una referencia "debe no solo divulgar todos los elementos de la reivindicación dentro de los cuatro rincones del documento, sino que también debe contener aquellos elementos "dispuestos en la reivindicación." *Net MoneyIN, Inc. v. Berising, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008)

Como se modificó, las reivindicaciones requieren que se formen dos sellos a lo largo del cartucho de relleno – un primer sello despegable dispuesto en la primera superficie superior y un segundo sello formado por el miembro de sellado de tapa en contacto con la segunda superficie segunda superficie superior. Ni Joslyn ni Shigeo proporcionan dos sellos a lo largo del cartucho de relleno. Shigeo ofrece una película 39 que parece formar un primer sello despegable a lo largo de una superficie del cartucho de relleno 31, sin embargo, el segundo sello está formado entre la tapa 21 y la base 1 a lo largo del borde de base periférico 11. Ver FIGS. 1 y 5, Joslyn presenta un arreglo de sellado similar. Se proporciona un primer sello despegable entre una solapa superior 32 y el cuerpo de un sobre 28 a lo largo de un par de pestañas periféricas 32, 34 (col. 3, II, 24-27) y un segundo sello se ofrece entre la pestaña de cubo 22 y la pestaña de tapa 24 (col. 2, II. 56-59).

En vista que Joslyn y Shigeo fallan en divulgar todos y cada uno los ementos de las reivindicaciones modificadas el solicitante respetuosamente solicita se retire el presente rechazo.

C. Rechazo bajo 35 U.S.C §103

Las reivindicaciones 2-5 se encuentran rechazadas bajo 35 U.S.C §103 al no ser patentables en frente ya sea Joslyn o Shigeo en vista de la patente de los Estados Unidos No. 7,926,674 de Luburic ("Luburic"). Como asunto inicial el Examinador ha fallado en establecer un caso *prima facie* de obviedad dado que todos los elementos reivindicados no se encuentran en el arte previo. Continúa siendo según la ley establecida que cuando el arte previo no contiene todas y cada una de las características de una reivindicación es fatal para un rechazo por obviedad bajo 35 U.S.C § 103. Ver *In re Wada y Murphy*, apelación 2007-3733 (La junta sostiene que la determinación de obviedad post-KSR aún requiere que el arte previo enseñe todos los elementos); ver también *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) ("la obviedad requiere de sugerencia de todas las limitaciones en una solicitud"). Entonces el MPEP requiere la "reconsideración" de toda característica de la reivindicación en una determinación de obviedad, MPEP §2143.03. De hecho, dado que Junta de Apelaciones e Interferencias de Patentes estipula en *Wada y Murphy* "una comparación de búsqueda de la invención reivindicada – incluyendo todas las limitaciones – con la enseñanza del arte previo." Aquí, las referencias fallan en mostrar o sugerir que una tapa tenga un miembro de sellado que esté en contacto con una segunda superficie de un cartucho de relleno para formar un segundo sello. En vez de mostrar el arreglo de sellado reivindicado, cada referencia enseña la formación de un sello entre la base (Luburic 102, Joslyn 14 y Shigeo 6) y la tapa (Luburic 104, Joslyn 24 y Shigeo 21). Entonces, aún si una persona versada en el arte estuviera motivada a combinar el sistema de cierre de Luburic con Joslyn o Shigeo, motivación que el solicitante cuestiona, la combinación no daría como resultado la invención reivindicada.

Presentado respetuosamente,

Por: /Michael J. Sullivan/

Michael J. Sullivan, Reg. No. 54,479

Solicitud No. 13/917,177
Modificación de fecha 01/20/2015
Respuesta a Acción Oficial del 10/27/2014

CERTIFICADO DE RADICACIÓN ELECTRÓNICA

Yo, Cynthia M. Trudell, certifico aquí que esta correspondencia y todos los anexos y cualquier tasa se están transmitiendo electrónicamente via la internet a la Oficina de Marcas y Patentes de los Estados Unidos usando el Sistema de Radicación Electrónica (EFS-Web) el 01/20/2015.

Por: /Cynthia M. Trudell/

Cynthia M. Trudell



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(12) **United States Patent**
Berger et al.

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(45) **Date of Patent:** **May 12, 2015**

(54) **RESEALABLE AND REFILLABLE WIPES DISPENSER**

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B65D 21/02 (2006.01)
B65D 43/22 (2006.01)
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(2013.01); **B65D 43/22** (2013.01); **B65D**
83/0894 (2013.01)

(58) **Field of Classification Search**
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B65D 21/0233; B65D 43/22; B65D 83/0805;
B65D 83/0894
USPC **206/494; 220/23.87, 23.89,**
220/359.1-359.5; 221/46, 63, 48, 49
See application file for complete search history.

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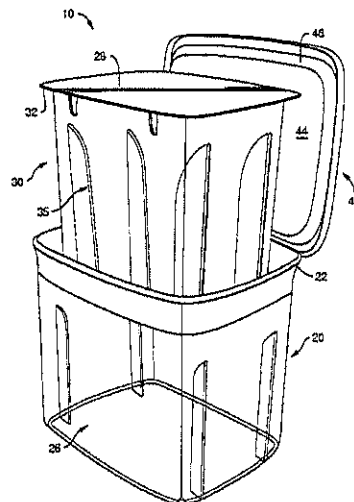
Primary Examiner — Bryon Gehman

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(57) **ABSTRACT**

Containers and dispensers for wiping substrates, and wet wiping substrates in particular, have been provided with lids, the containers have been susceptible to leakage, or difficulties in dispensing the contents. Provided is a refillable container for storing and dispensing wiping substrates. A refill cartridge containing wiping substrates having a peelable seal disposed on a first surface and a second surface for forming a seal with the container lid is provided.

19 Claims, 5 Drawing Sheets



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Page 2

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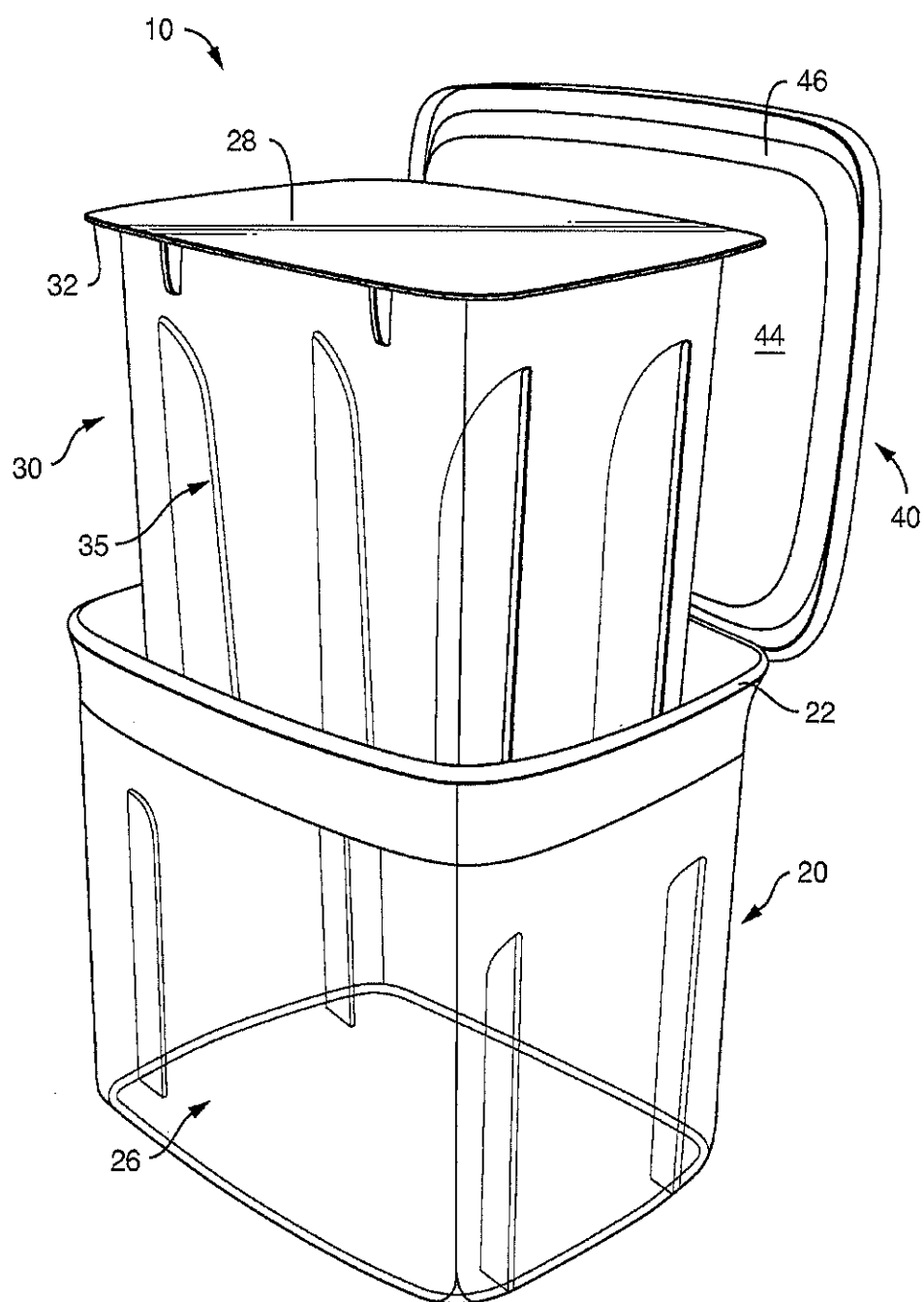


FIG. 1

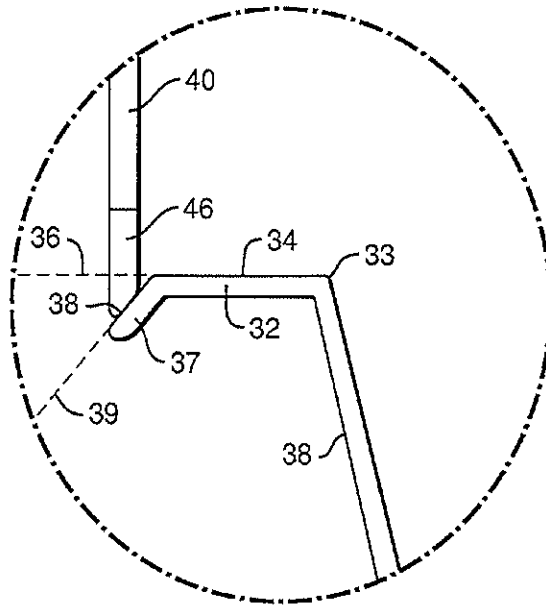


FIG. 2A

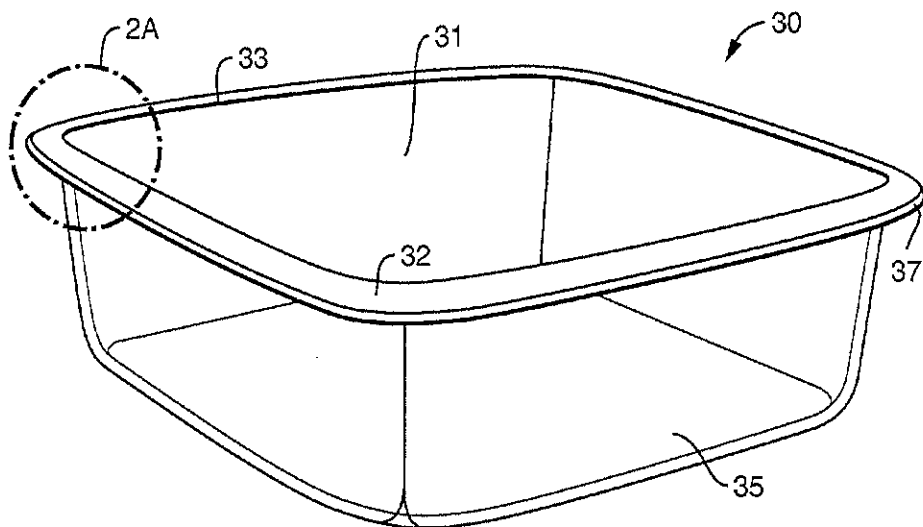


FIG. 2B

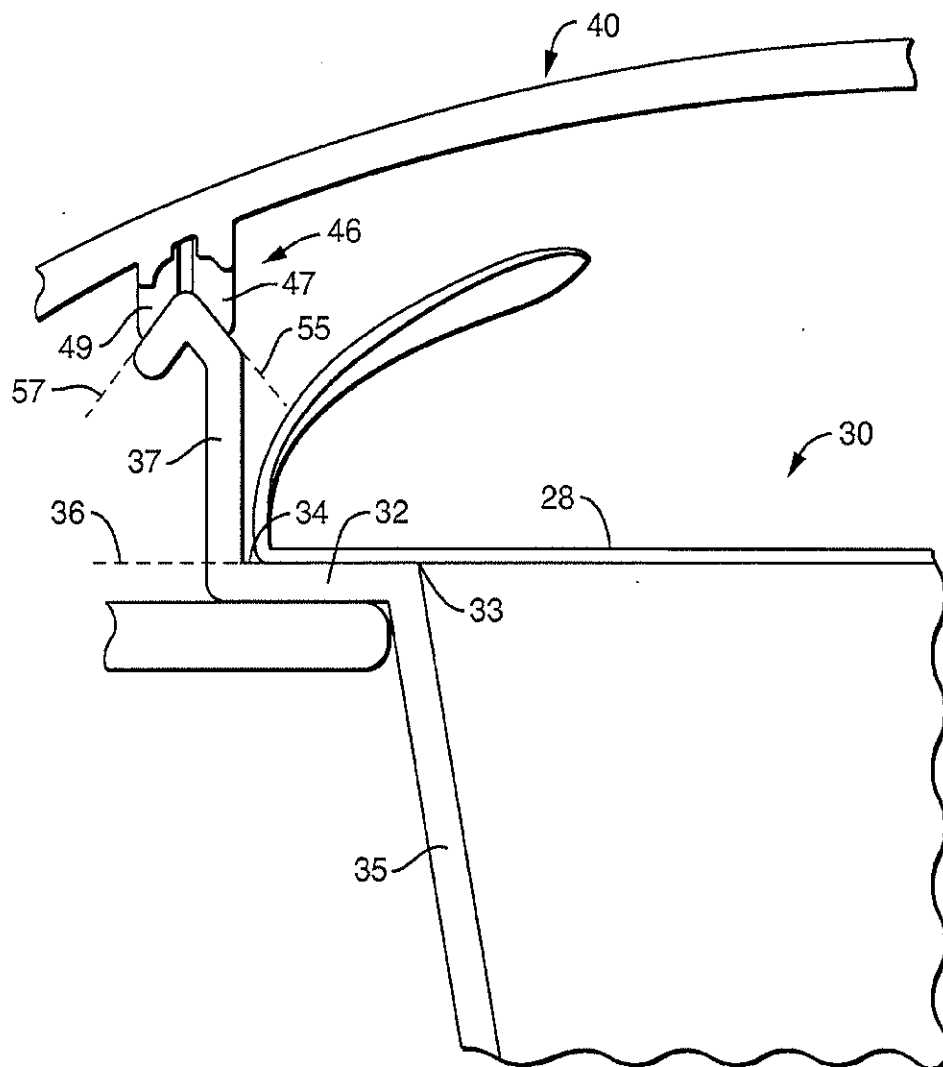


FIG. 3

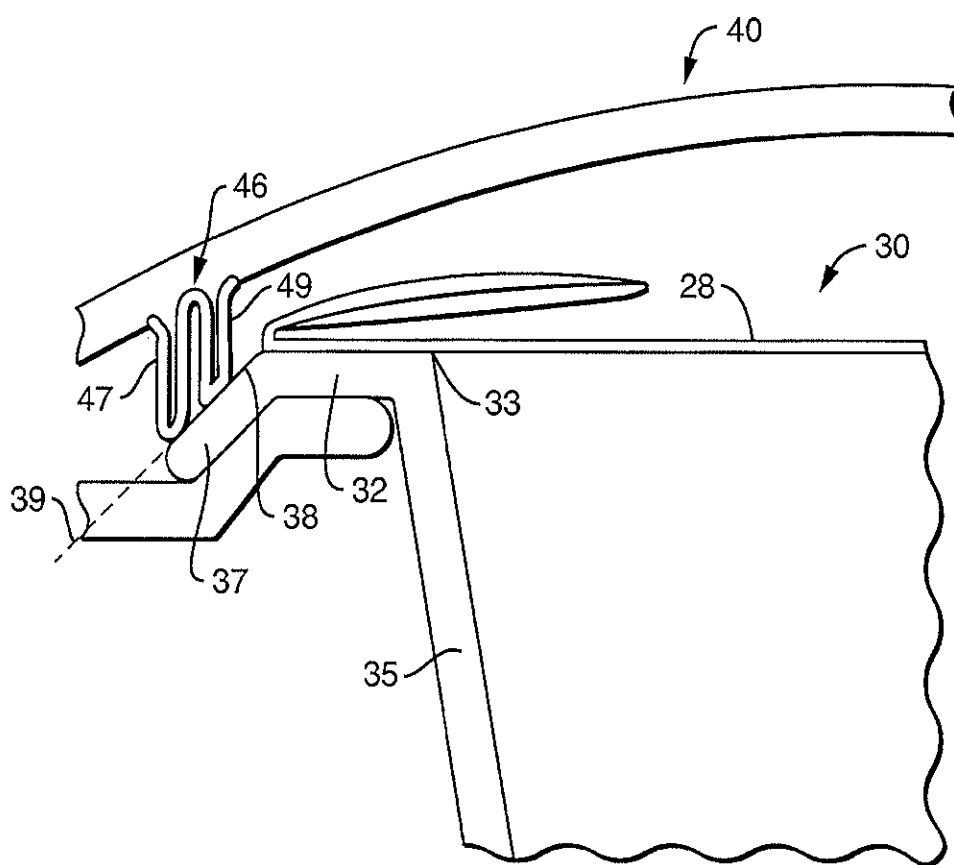


FIG. 4

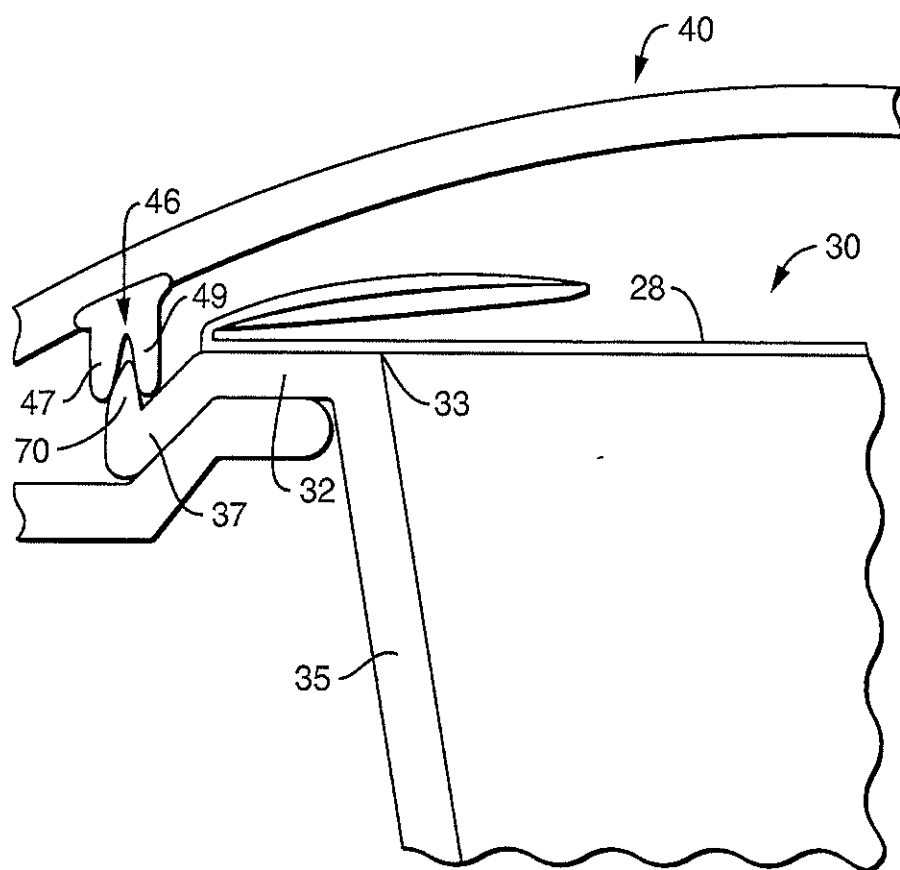


FIG. 5

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RESEALABLE AND REFILLABLE WIPES DISPENSER

BACKGROUND

Containers for storing and dispensing wiping substrates and in particular wet wiping substrates are well known and widely available. Typically containers are designed to provide both storage and dispensing. Additionally, containers are often designed to be refillable—a consumer purchases a durable container with their first purchase of wiping substrates and then subsequently purchases only refill packs. The refill packs are generally a stack of substrates packaged in shrink wrap or an equivalent. To refill the container the consumer removes the packaging and inserts the stack of substrates into the container. This simplicity enables considerable cost savings to be passed on to the consumer. However, the consumer is required to handle the substrate directly, which may be unsatisfactory.

To avoid having the consumer directly contact the substrate when refilling, substrate refills may be provided in packaging that is inserted directly into the durable container for use. For example, refill packs may consist of flexible films produced in flowpack lines and filled with wiping substrates. The sack is sealed with a heat weld to form a refill pack. The user must orient the pack in the dispenser according to the printed instructions on the flowpack with the correct end of the pack facing the dispensing hole and then break the film to start the first wipe. Installing such refill packs by the user is somewhat difficult and often time-consuming, and the welded seams may be prone to leakage, particularly when housing premoistened wipes. Further, the refill packs often fit poorly in the container, particularly after a majority of the wipes have been dispensed. This poor fit may adversely affect dispensing and make it difficult for a user to remove the refill pack after it has been emptied.

Accordingly there is a need in the art for a refillable container, particularly a refillable container for storing and dispensing wiping substrates that is easy to refill, effectively dispenses and stores wipes, and is aesthetically pleasing.

SUMMARY

The present disclosure is generally directed to a container and dispensing system, and more particularly to a refillable container that includes a container base and a lid, where the base is adapted to receive a refill cartridge and the lid is adapted to seal the cartridge when the lid is placed in a closed position. Generally the refill cartridge is provided with a first seal that is preferably peelably adhered thereto so as to protect the contents of the cartridge during shipping and storage. In use, the user prepares the cartridge for use by removing the peelable seal and then inserts the cartridge into the base. The user then forms a second seal by closing the lid thereby forming a second seal between the lid and the refill cartridge which protects the contents of the cartridge during use. The first and second seals are preferably formed on different parts of the refill cartridge. For example, in a particularly preferred embodiment the first seal is formed along a first top surface of the cartridge lying in a first plane and the second seal is formed along a second top surface of the cartridge lying in a second plane. Preferably the first and second planes do not reside in the same plane. In this manner two distinct sealing surfaces are provided.

Accordingly in one embodiment the present invention provides a resealable container system comprising a base, a refill cartridge and a lid, the cartridge having a top peripheral edge,

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an annular rim and a skirt extending therefrom, the annular rim having a first top surface lying in a first plane, and the skirt having a second top surface lying in a second plane wherein the first and second planes do not lie in the same plane.

In another embodiment the present invention provides a refillable wipes dispenser system comprising a cartridge having a wall portion defining a storage volume and an open top, the open top circumscribed by a peripheral edge, an annular rim having a first top surface lying in a first plane and a skirt extending from the annular rim, the skirt having a second top surface lying in a second plane, a first seal peelably adhered to the first top surface; a lid configured to cover the open top in a sealing arrangement, the lid comprising a cover portion, a lid peripheral edge and a sealing member configured such that when the lid is in a closed position the sealing member contacts the second top surface to form a second seal; and wherein the first and second planes do not lie in the same plane.

DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of a dispenser system according to one embodiment of the present invention;

FIG. 2A is a detail view of a seal formed between a sealing member and a refill cartridge according to one embodiment of the present invention;

FIG. 2B is a perspective view of a refill cartridge according to one embodiment of the present invention;

FIG. 3 is a detailed partial view illustrating the seal formed between a sealing member and a refill cartridge according to another embodiment of the present invention;

FIG. 4 is a detailed partial view illustrating the seal formed between a sealing member and a refill cartridge according to still another embodiment of the present invention; and

FIG. 5 is a detailed partial view illustrating the seal formed between a sealing member and a refill cartridge according to another embodiment of the present invention.

DETAILED DESCRIPTION

The disclosed container and system solves or improves upon the problems with and disadvantages of currently known refillable storage and dispensing containers by providing a storage container system that includes a container base, a refill cartridge and a lid, where the cartridge is preferably rigid and easily removable from the container base. The refill cartridge is provided with a rim having a top surface lying in a first plane and a seal disposed on the top surface. In this manner a refill cartridge is provided having a first seal disposed in a first plane. The first seal acts to protect the contents of the cartridge during shipping and storage. The first seal is preferably a peelable seal that is adhered to the cartridge rim and covers an open first end of the cartridge. The first seal is generally removed by a user prior to inserting the cartridge into the base and using the contents.

The disclosed container base includes a lid having a sealing member disposed about its periphery. In use the sealing member is brought into contact with the top surface of the cartridge skirt, which extends from the cartridge rim, upon which the first seal is disposed. In this manner a second seal is formed in a second plane when the sealing member contacts the top surface of the skirt, thereby sealing the cartridge in the container. Additionally, the structure of the container system allows the container base, refill cartridge and lid to be combined in a stable, secure manner to prevent separation and to facilitate both storage and dispensing.

Thus, in one preferred embodiment the present invention provides a refillable storage and dispensing container and a container system comprising a base, a refill cartridge, and a lid. The lid and base are preferably connected to one another, while the refill cartridge is removable from the system. The refill cartridge is provided with a first seal disposed in a first plane that is removed by a user prior to using the cartridge. Once the first seal is removed and the cartridge is disposed in the base, a second seal is formed by closing the lid, bringing a sealing member into contact with the cartridge rim to form a second seal in a second plane.

The refillable dispenser and storage system of the present invention is particularly well suited for dispensing and storing wiping substrates, including, but not limited to wipers, towels, and the like. Such substrates may be stacked, folded, interfolded, rolled, or in any format as are known for such substrates. The substrates may be either wet or dry. An exemplary embodiment of this invention includes a plastic base for receiving a refill cartridge with an air-tight lid system, suitable for storage of wet wiping substrates, for example. The lid is connected to the base by a living hinge. A sealing member, such as a compressible seal, is fitted into an inner seal groove or channel formed in the lid. The lid is configured for movement between an extended position in which the lid is open and the contents of the refill cartridge are accessible, and closed position in which the seal contacts the refill cartridge to form a seal between the lid and the cartridge, thereby preventing the egress of water from the wet wiping substrate and maintaining the substrate in a wet condition.

Turning now to the drawings, FIG. 1 shows one example of a dispenser system 10 constructed in accordance with the teachings of the present invention. The disclosed dispenser system 10 generally has a base 20, a lid 40, and a refill cartridge 30, each to be described below in greater detail. The base 20, lid 40, and refill cartridge 30 are shown to be somewhat square-like (i.e., four-sided) or generally rectangular shape. However, other shapes and configurations of the base, cartridge and lid, such as round or circular, are contemplated and are intended to fall within the scope of the invention. The invention is not to be limited to a specific container base, cartridge, and lid perimeter shape or overall contour. In general, the refill cartridge is sized to fit within the base and the lid is sized to fit over the base during use.

With further reference to FIG. 1, the structural details of a representative refill cartridge 30 and base 20 are shown. The disclosed cartridge 30 is generally shaped to be inserted into the base 20. Both the cartridge 30 and base 20 are illustrated having a continuous circumferential side wall (38 in the case of the cartridge and 26 in the case of the base) and a bottom (not illustrated in the case of the cartridge) that defines an interior storage space. In this example, the side wall and bottom form a substantially four-sided shape, but with rounded corners, and a slight outward and upward taper to the side wall, as are known in the art. As noted above, other base shapes and configurations are contemplated and fall within the scope of the invention. The specific dimensions of the side wall and bottom may vary and yet remain within the scope of the invention as well. The side wall extends upwardly and generally outwardly from a perimeter of the bottom and terminates at a top edge that defines an open top. For sealing the base 20 and the cartridge 30 a lid 40 is generally provided and is attached along the top edge 22 by a hinge (not illustrated in FIG. 1).

Now with reference to FIGS. 2A and 2B an exemplary embodiment of a refill cartridge 30 is illustrated. The refill cartridge 30 in this embodiment takes the form of a four sided container having generally a cup shape with an open top 31.

The refill cartridge 30 has an annular sidewall 38 defining four sides of the cartridge. The cartridge 30 is generally shaped to receive a material to be stored and dispensed. The annular sidewall 38 terminates at a top peripheral edge 33, which defines the edge of the open top 31. Extending from the top peripheral edge 33 is an annular rim portion 32, which in the illustrated embodiment is generally planar and has a top surface 34 lying in a first plane 36. The rim portion 32 extends away from the top peripheral edge 33 to a rim edge, which generally defines the transition from the rim portion 32 to the rim skirt 37, which has a top surface 38 lying in a second plane 39. In this manner the refill cartridge has at least two top surfaces lying in different planes, the top surface 34 of the annular rim portion 32 defining a first plane 36 and the top surface 38 of the skirt 37 defining a second plane 39. As will be discussed in more detail below, the arrangement of the at least two surfaces in this manner provides for two distinct sealing surfaces. As such a first seal may be formed along the first top surface 34 and a second seal may be formed along the second top surface 38.

The refill cartridge (as well as the base) can be formed of any suitable material and fabricated from any likewise suitable manufacturing process. In one example, the refill cartridge can be injection molded from a polypropylene material, a polycarbonate material, or the like. In addition, the refill cartridge can also be formed from a clear, translucent, semi-transparent, or opaque material and can be formed in any desirable color. In one example, the refill cartridge can be formed of a colored material so as to make the refill cartridge easy for a consumer to locate.

In a particularly preferred embodiment, such as that illustrated in FIG. 1, the open top of the cartridge 30 is at least partially covered by a seal 28, which is generally removed prior to use. The seal protects the contents of the cartridge from damage during shipping and storage and to prevent leakage or spillage. In a particularly preferred embodiment the seal 28 is a peelable seal, the edges of which are adhesively adhered to the cartridge rim 32 along the first top surface 34. In use, a user removes the seal using a peeling action. The seal is generally disposed after the cartridge is opened and the contents of the cartridge are protected in-use by the seal formed between the lid sealing member and the cartridge. To facilitate seal removal in certain embodiments the seal may be provided with various types of pull tabs or similar devices.

In a particularly preferred embodiment the refill cartridge comprises an injection molded polypropylene base and a peelable seal affixed thereto with an adhesive. A dry or wet wiping substrate is provided in the refill unit. When a user is ready to replace an existing cartridge, the user opens the lid, grasps the rim of the cartridge and removes the cartridge from the base. The user then removes the peelable lid from a new refill cartridge, places the refill cartridge in the base and seals the dispenser by closing the lid, forming a seal between the sealing member and the top surface of the rim skirt.

In certain embodiments the container system disclosed and described herein may be provided with a connecting structure for connecting the base, lid, or refill cartridge with one another in a number of optional arrangements. In one aspect of the invention, the refill cartridge disclosed herein is provided with a plurality of elongated lips or projections that extend radially outward from the refill cartridge wall. For example, in one embodiment each of the four sides of the refill cartridge includes a projection centrally located on each side of the refill cartridge wall. The base may include a groove aligned with the corresponding projection such that when the

refill cartridge is inserted into the base, the combination of the projections and grooves combine to support and interconnect the parts.

Now turning to the lid, which is preferably configured to overlay and close off the open base top near the upper end of the base side wall. Accordingly, it is preferred that the lid is formed with features that allow it to cover and seal the open top of the base. In one embodiment the lid may comprise a main panel with a top side, a bottom side, and a perimeter skirt. The skirt circumvents the perimeter of the main panel and more preferably extends around the main panel and generally perpendicularly down from the plane of the main panel. In a particularly preferred embodiment the skirt wall is positioned inward from an outer edge of the main panel resulting in a lid rim projecting radially outward from the lid beyond the skirt wall.

The lid may be operatively connected to the base, or in other embodiments may be removably connected. In those embodiments where the lid is operatively connected to the base, the lid is preferably connected to the base by a hinge. The hinge can be a "living hinge", a "pivoting hinge", or another type of hinge. A living hinge is a hinge formed with the base and the lid as a single piece. A living hinge can be configured to facilitate the lid being able to spring away from the base when the closure system is to be opened. A pivoting hinge is formed at substantially the same time as the body portion (or the lid portion), wherein the body portion and the lid portion are formed as separate pieces and snapped together at the hinge to combine the two pieces into a single container assembly.

The hinge provides ease of moving the lid. For example, the hinge operatively connects the lid to the base in a movable arrangement, wherein the lid comprises at least two positions, namely, a first position and a second position. When in the first position, the lid is "open" (or moved away from the base), which allows product (e.g., a wiping substrate) to be dispensed from the refill cartridge. When the lid is in the second position, the lid is closed or engaged with the base providing a secure seal according to various embodiments disclosed herein. Thus, the hinge allows the lid to be moved away from the base for dispensing and/or for filling, as well as moved into contact with the base for storage or transport purposes.

In certain embodiments the lid is not connected to the base with a hinge, but rather the lid fits onto base by fitting the skirt wall over the base's top edge. In this in-use configuration, the lid would cover and close off the open top to seal the storage space. In other embodiments the lid is operatively connected to the base by a hinge and is formed with the base as a one-piece construction rather than as a plurality of parts separately attached together. In this manner the lid and base are joined by a living hinge.

In a particularly preferred embodiment, such as that illustrated in FIG. 1, the lid 40 includes a central portion 44 sized to substantially close off the open end of the base and a sealing member 46, which in certain embodiments may be held in a channel formed in the lid 40, and is brought into compression between the lid and the top surface 38 of the skirt 37 when the lid 40 is closed. Preferably the sealing member is formed from a material that is different than the material used to form the lid, more preferably the sealing member is formed from a material that provides some stiffness, yet is resiliently flexible and pliable and has an elasticity to attain a seal with the cartridge skirt. Accordingly, in a preferred embodiment the sealing member may be an extruded or molded elastomeric member and more preferably is formed from silicon or TPE (thermoplastic elastomer). In certain embodiments the sealing member is a compressible material and preferably a ther-

moplastic elastomer selected from the group consisting of butadiene rubber, styrene-butadiene rubber, butyl rubber, ethylene-propylene rubber, ethylene-propylene-diene rubber, polyisoprene rubber, polychloroprene rubber, silicon rubber, neoprene, nitrile rubber and blends thereof. In an exemplary embodiment, the sealing member is an injection-molded unitary part and has a continuous cross section. The dimensions of the sealing member, in an exemplary embodiment, are selected to optimize moldability of the seal and compression of the seal in a sealing configuration.

As further illustrated in FIG. 1, the lid 40 includes a cover surface 44 which is sized to extend over the open top 31 of the cartridge 30 when the lid 40 is attached to the container and in a closed position. The cover surface 44 is generally planar in this embodiment, and is connected to a lid peripheral portion by a beveled or angled surface portion, providing a shallow dome structure. The lid 40 is connected to the base 20 portion of the container connected hinge and more preferably a living hinge. As such, it will be appreciated that in an exemplary embodiment, the lid is a unitary structure, fabricated from a plastic material such as polypropylene by injection molding.

The second seal, the seal formed between the sealing member and the rim skirt, may be configured in a number of different ways. Generally, it is preferred that the surface contacted by the sealing member does not lie in the same plane as the sealing surface contacted by the first seal. For example, as illustrated in the cross-sectional view of FIG. 2B, the sealing member 46 comprises a single molded elastomeric bead that contacts the downturned top surface 38 of the skirt 37 which lies in a second plane 37, which is different than the plane 36 of the rim 32 top surface 34. In the illustrated embodiment the angle between the planes, angle α , is generally less than about 90°, such as from about 30 to about 60°.

In another embodiment, such as that illustrated in FIG. 3, the sealing member 46 comprises a first 47 and a second 49 molded elastomeric bead and the sealing surface comprises a skirt 37 that rises above the rim 32 and terminates in a pair of angled surfaces that define a second plane 55 and a third plane 57. The second 55 and third 57 planes are not in the same plane as the first plane 36 defined by the top surface 34 of the annular rim portion 32. In the illustrated embodiment the second and third seals (formed between the first and second beads and the top surfaces of the skirt) are elevated above the first seal (formed between the peelable seal and the top surface of the rim).

In a similar manner, such as that illustrated in FIG. 4, the cartridge 30 may be resealed by contacting a sealing member 46 comprising a first 47 and a second 49 molded elastomeric bead with a sealing surface formed by the upper surface 38 of the downward extending skirt 37 having a top surface 38 lying in a second 39. The first 36 and second 39 planes do not lie in the same plane. As illustrated the second and third seals (formed between the first and second beads and the top surface of the skirt) are positioned below the first seal (formed between the peelable seal and the top surface of the rim).

In still other embodiments, such as that illustrated in FIG. 5, the sealing member 46 comprises a first 47 and a second 49 molded elastomeric bead and the sealing surface comprises a skirt 37 having an upturned flange 70. In the illustrated embodiment the flange 70 has a first 72 and a second 74 top surface, which define a first 76 and a second plane 78. The sealing members 47, 49 contact the top surfaces 70, 72 to form a second seal. The second seal may lie above, below or parallel to the first seal. Preferably the planes defined by the top surface of the rim and the top surfaces of the flange are all different.

Regardless of whether the sealing member comprises one, two, three, or more beads or the like, each bead preferably contacts at least one sealing surface, which is preferably the top surface of the rim skirt. Further, it is preferred that the plane defining the sealing surface contacted by the sealing member lies in a plane that is different than the plane defining the top surface of the annular rim. In this manner, the cartridge provides at least two sealing surfaces lying in different planes. The first sealing surface is preferably contacted by a peelable seal to form a seal that is removable and only used a single time, while the second sealing surface is preferably contacted by the sealing member to form a resealable seal. The resealable seal is preferably formed each time the lid is closed and the sealing member is brought into contact with the top surface of the rim skirt.

Although the foregoing has been a description and illustration of specific embodiments of the invention, various modifications and changes thereto can be made by persons skilled in the art without departing from the scope and spirit of the invention.

What we claim is:

1. A resealable container system comprising a base, a refill cartridge and a lid having a sealing member, the refill cartridge having a top peripheral edge, an annular rim and a rim skirt extending from the annular rim, the annular rim having a first top surface lying in a first plane, and the rim skirt having a second top surface lying in a second plane, wherein the first and second planes do not lie in the same plane, a film peelably adhered to the first top surface forming a first seal and the sealing member contacting the second top surface when the lid is in a closed position forming a second seal.

2. The resealable container system of claim 1 wherein the sealing member surrounds at least a portion of the lid and is formed from a material different from the lid, and the sealing member sealingly engages with the second surface top surface when the lid is in a closed position.

3. The resealable container system of claim 1 wherein the sealing member comprises a thermoplastic elastomer.

4. The resealable container system of claim 1 further comprising a second sealing member disposed on the lid and a skirt having a third top surface lying in a third plane wherein the third plane does not lie in the same plane as the first or second planes.

5. The resealable container system of claim 1 wherein the first and the second planes define an angle α from about 30° to about 60°.

6. The resealable container system of claim 1 further comprising a wiping substrate disposed within the refill cartridge.

7. The resealable container system of claim 1 wherein the annular rim of the refill cartridge contacts the base when the refill cartridge is inserted into the base.

8. The resealable container system of claim 1 wherein the lid is connected to the base by a hinge.

9. The resealable container system of claim 1 wherein the refill cartridge has a cup shape and the first top surface is substantially flat.

10. A refillable wipes dispenser system comprising a cartridge having a wall portion defining a storage volume and an open top, the open top circumscribed by a peripheral edge, an annular rim having a first top surface lying in a first plane and a skirt extending from the annular rim, the skirt having a second top surface lying in a second plane, a first seal peelably adhered to the first top surface; a lid configured to cover the open top in a sealing arrangement, the lid comprising a cover portion, a lid peripheral edge and a sealing member disposed adjacent to the lid peripheral edge and configured such that when the lid is in a closed position the sealing member contacts the second top surface to form a second seal; and wherein the first and second planes do not lie in the same plane.

11. The system of claim 10 wherein the sealing member surrounds at least a portion of the lid and is formed from a material different from the lid.

12. The system of claim 10 wherein the sealing member comprises a thermoplastic elastomer.

13. The system of claim 10 further comprising a second sealing member disposed on the lid and a skirt having a third top surface lying in a third plane wherein the third plane does not lie in the same plane as the first or second planes.

14. The system of claim 10 wherein the first and the second planes define an angle α from about 30° to about 60°.

15. The system of claim 10 further comprising a wiping substrate disposed within the refill cartridge.

16. The system of claim 10 wherein the annular rim of the refill cartridge contacts the base when the refill cartridge is inserted into the base.

17. The system of claim 10 wherein the lid is connected to the base by a hinge.

18. The system of claim 10 wherein the second seal lies below the first seal.

19. The system of claim 10 wherein the second seal lies above the first seal.

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