

**Re Sección V**

**Declaración motivada con respecto a la novedad, el nivel inventivo y la aplicación industrial; citas y explicaciones en soporte de esta declaración**

**1. Documentos**

Se hace referencia a los siguientes documentos:

- D1            EP 2 851 190 A1 (HANIL TUBE CORP[KR]) 25 marzo 2015 (2015-03-25)
- D2            DATABASE WPI  
              Week 200382  
              Thomson Scientific, London, GB;  
              AN 2003-882694  
              XP002777181,  
              & JP 2003 194265 A (BRIDGESTONE CORP) 9 julio 2003 (2003-07-09)

El siguiente documento no fue citado en el informe de búsqueda internacional. Se adjunta una copia del documento.

- D3            WO 2015/160771 A1 (TEKNI PLEX INC [US]) 22 octubre 2015 (2015-10-22)

**2. Novedad (Art. 33(2) PCT)**

El documento D3 describe un tubo multicapa (Reivindicación 1), en el que la capa más externa comprende PET (ejemplo 9; párrafo 0043). Además, D3 describe la coextrusión de las capas (Reivindicación 1).

La reivindicación 1 modifica comprende ahora el término "para el transporte de agua potable ..." que no limita el alcance de la materia para la que se pensó la protección, porque el término anterior debe entenderse en el sentido de "adecuado para" y por lo tanto no excluye otros usos del tubo reivindicado.

Podría ser cierto que D3 solo revela tubos relativamente delgados, pero la reivindicación 1 actual no limita el diámetro de la tubería reivindicada.

Además, no hay ninguna razón para suponer que técnicamente no sería posible transportar agua potable y / o combustible a través de tuberías ya reveladas en D3. Puede ser cierto que las tuberías descritas en D3 solo transportarían cantidades muy pequeñas, pero como la reivindicación 1 no tiene limitaciones para esto, la divulgación de D3 aún debe considerarse como destructiva de la novedad.

Por lo tanto, el objeto de las reivindicaciones modificadas 1 y 31 no es nueva en vista de D3.

### 3. Nivel inventivo (Art. 33(3) PCT)

Las reivindicaciones independientes, que no se mencionan en el punto 2, no contienen ninguna característica que, en combinación con las características de cualquier reivindicación a la que se refieren, cumpla con los requisitos del PCT con respecto al nivel inventivo, por las razones las siguientes:

las características de estas reivindicaciones dependientes se seleccionan simplemente de varias posibilidades directas entre las cuales la persona experta seleccionaría, de acuerdo con las circunstancias, sin ejercicio de habilidad inventiva, para resolver el problema planteado.

NBV\NBV\ID-648548\WPC18386

**CAVELIER**  
**ABOGADOS**  
EDIFICIO SISKI  
CARRERA 4a N° 72-35  
BOGOTA, 8 – COLOMBIA

**CESIÓN**

Yo, (nosotros) abajo firmado (s)

- (1) KREMER, Marinus Peter
- (2) DESHMUKH, Yogesh Sheshrao
- (3) GORIS, Marco
- (4) AKKERMAN, Johannes

domiciliados(s) en:

- (1) Wilhelminaplein 4 7772AH Hardenberg (NL)
- (2) Rozenheim 2-101A 7701NB Dedemsvaart (NL)
- (3) Floralaan 118 7772MZ Hardenberg (NL)
- (4) Opziensweg 4 8433PM Haulerwijk (NL)

declaro(amos) bajo juramento ser único(s) y verdadero(s) inventor(es) de la invención:

**TUBERÍA DE MÚLTIPLES CAPAS Y USO DE UNA TUBERÍA DE MÚLTIPLES CAPAS**

declaro(amos) así mismo que cedo(emos) y transfiero(erimos), sin limitación, a favor de las

**ASSIGNMENT**

I (we), the undersigned

- (1) KREMER, Marinus Peter
- (2) DESHMUKH, Yogesh Sheshrao
- (3) GORIS, Marco
- (4) AKKERMAN, Johannes

Domicily of:

- (1) Wilhelminaplein 4 7772AH Hardenberg (NL)
- (2) Rozenheim 2-101A 7701NB Dedemsvaart (NL)
- (3) Floralaan 118 7772MZ Hardenberg (NL)
- (4) Opziensweg 4 8433PM Haulerwijk (NL)

state(s) under oath to be sole and true inventor(s) of the invention:

**A MULTI-LAYERED PIPE AND A USE OF A MULTI-LAYERED PIPE**

state as well, that assign, without reservations or limitations in favour of:

sociedades:

**WAVIN B.V.**

**WAVIN B.V.**

constituida y existente de conformidad con las leyes de:

**Stationsplein 3 8011 CW Zwolle (NL)**

a corporation constituted and existing in conformity with the laws of:

**Stationsplein 3 8011 CW Zwolle (NL)**

Domiciliada en

domiciled in

**Países Bajos**

**Nederland**

Todos los derechos inherentes a dicha invención y que la citada Compañía queda facultada para solicitar en su nombre la patente de invención correspondiente en la República de Colombia.

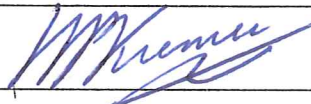
all rights inherent to said invention and that the above mentioned company hereby is enabled to apply, in its name, for the corresponding patent invention, in the Republic of Colombia

Dado y firmado hoy/Given and signed

this en/in Zwolle 16-07-19

por/by **KREMER, Marinus Peter**

Firma/Signature



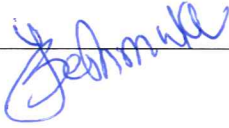
**Wavin B.V.**  
**Ronald Elkel**  
**Manager I.P. Department**

Dado y firmado hoy/Given and signed

this en/in Zwolle 16-07-'19

por/by DESHMUKH, Yogesh Sheshrao

Firma/Signature



**Wavin B.V.**  
**Ronald Ekkel**  
**Manager I.P. Department**

Dado y firmado hoy/Given and signed

this en/in Zwolle 16-07-'19

por/by GORIS, Marco

Firma/Signature



**Wavin B.V.**  
**Ronald Ekkel**  
**Manager I.P. Department**

Dado y firmado hoy/Given and

signed this en/in Zwolle 16-07-'19

por/by AKKERMAN, Johannes

Firma/Signature



**Wavin B.V.**  
**Ronald Ekkel**  
**Manager I.P. Department**

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                          |                                                                                                                                                                             |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Applicant's or agent's file reference<br>201913aa/uhi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>FOR FURTHER ACTION</b>                                |                                                                                                                                                                             | See Form PCT/IPEA/416 |
| International application No.<br>PCT/EP2017/080841                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | International filing date (day/month/year)<br>29.11.2017 | Priority date (day/month/year)<br>29.11.2016                                                                                                                                |                       |
| International Patent Classification (IPC) or national classification and IPC<br>INV. B32B7/06                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                          |                                                                                                                                                                             |                       |
| Applicant<br>WAVIN B.V.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                          |                                                                                                                                                                             |                       |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and/or sheets containing rectifications authorized by this Authority, unless those sheets were superseded or cancelled, and any accompanying letters (see Rules 46.5, 66.8, 70.16, 91.2, and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets containing rectifications, where the decision was made by this Authority not to take them into account because they were not authorized by or notified to this Authority at the time when this Authority began to draw up this report, and any accompanying letters (Rules 66.4bis, 70.2(e), 70.16 and 91.2).</p> <p><input type="checkbox"/> superseded sheets and any accompanying letters, where this Authority either considers that the superseding sheets contain an amendment that goes beyond the disclosure in the international application as filed, or the superseding sheets were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in item 4 of Box No. I and the Supplemental Box (see Rule 70.16(b)).</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing, in the form of an Annex C/ST.25 text file, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3ter of Annex C of the Administrative Instructions).</p> |                                                          |                                                                                                                                                                             |                       |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                          |                                                                                                                                                                             |                       |
| Date of submission of the demand<br><br>01.10.2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          | Date of completion of this report<br><br>23.01.2019                                                                                                                         |                       |
| Name and mailing address of the international preliminary examining authority:<br> European Patent Office P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk - Pays Bas<br>Tel. +31 70 340 - 2040<br>Fax: +31 70 340 - 3016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                          | Authorized officer<br><br>Hillebrand, Gerhard<br><br>Telephone No. +31 70 340-2651<br> |                       |

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**Box No. I Basis of the report**

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

**Description, Pages**

1-12 as originally filed

**Claims, Numbers**

1-37 filed with the letter of

08-01-2019

**Drawings, Sheets**

1/3-3/3 as originally filed

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

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2017/080841

6. ☒ With regard to top-up searches (Rules 66.1 *ter* and 70.2(f)):
- ☒ A top-up search was carried out by this Authority on 10.01.2019 (all discovered documents are listed in the Supplemental Box Relating to Top-up Search).
  - ☐ Additional relevant documents have been discovered during the top-up search.
  - ☐ No top-up search was carried out by this Authority because it would serve no useful purpose.
7. ☐ Supplementary international search report(s) from Authority(ies) has/have been received and taken into account in establishing this report (Rule 45bis.8(b) and (c)).

\* If item 4 applies, some or all of those sheets may be marked "superseded".

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

|                               |             |                    |
|-------------------------------|-------------|--------------------|
| Novelty (N)                   | Yes: Claims | <u>2-30, 32-37</u> |
|                               | No: Claims  | <u>1, 31</u>       |
| Inventive step (IS)           | Yes: Claims |                    |
|                               | No: Claims  | <u>1-37</u>        |
| Industrial applicability (IA) | Yes: Claims | <u>1-37</u>        |
|                               | No: Claims  |                    |

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

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

1. Documents

Reference is made to the following documents:

- D1        EP 2 851 190 A1 (HANIL TUBE CORP [KR]) 25 March 2015  
(2015-03-25)
- D2        DATABASE WPI  
          Week 200382  
          Thomson Scientific, London, GB;  
          AN 2003-882694  
          XP002777181,  
          & JP 2003 194265 A (BRIDGESTONE CORP) 9 July 2003 (2003-07-09)

The following document was not cited in the international search report. A copy of the document is appended hereto.

- D3        WO 2015/160771 A1 (TEKNI PLEX INC [US]) 22 October 2015  
(2015-10-22)

2. Novelty(Art. 33(2) PCT)

Document D3 discloses a multilayered tube(claim 1), wherein the outermost layer comprises PET(example 9; paragraph 0043). In addition D3 discloses the coextrusion of the layers(claim 1).

Amended claim 1 comprises now the term "for transportation of drinking water..." which is not limiting the scope of the subject-matter for which protection is thought, because above term is to be understood in the sense "suitable for" and thus not excluding other uses of the claimed pipe.

It might be true that D3 does only disclose relative thin pipes, but present claim 1 comprises no limitation of the diameter of the claimed pipe.

In addition there is no reason to assume that it would technically not possible to transport drinking water and/or fuel through pipes already disclosed in D3. It might be true that the pipes disclosed in D3 would only transport very small amounts, but as claim 1 has no limitations to this, the disclosure of D3 has still to be considered as novelty destroying.

Thus the subject-matter of amended claims 1 and 31 is not novel in view of D3.

### 3. Inventive step(Art. 33(3) PCT)

The dependent claims, which are not mentioned under point 2., do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

The features of these dependent claims are merely selected from several straight forwarded possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Señora Directora

DIRECCIÓN DE NUEVAS CREACIONES

Superintendencia de Industria y Comercio

E. S. D.

**Referencia:** Expediente No. NC2019/0005185  
**Asunto:** Solicitud de patente para: TUBERÍA DE MÚLTIPLES CAPAS Y  
USO DE UNA TUBERÍA DE MÚLTIPLES CAPAS  
**Solicitante:** WAVIN B.V.  
**Fecha de solicitud:** 21 de mayo de 2019

### **RESPUESTA A EXAMEN PRELIMINAR**

ANDRÉS RINCÓN USCÁTEGUI, identificado como aparece al pie de mi firma, en mi condición de apoderado de la sociedad solicitante de la patente de la referencia, doy respuesta al Oficio 3223, notificado por fijación en lista el 28 de mayo de 2019.

#### **I. EN CUANTO AL CAPÍTULO II DE LA FASE INTERNACIONAL**

Presento junto con este memorial el Informe Preliminar Internacional sobre Patentabilidad (IPRP), así como su traducción al español como fue solicitado por el Examinador.

#### **II. DOCUMENTO DE CESIÓN**

Se presenta junto con este memorial la copia del documento en donde consta la cesión del derecho a la patente otorgada por el inventor en favor de WAVIN B.V.

#### **III. PETICIÓN**

Teniendo en cuenta que la presente solicitud cumple con los requisitos de los Artículos 26 y 27 de la Decisión 486 de 2000, y considerando que se ha dado respuesta a cada una de las observaciones de la Dirección de Nuevas Creaciones, solicito a su Despacho continuar con el trámite administrativo correspondiente.

#### **INNOVACIÓN PARA LOS NEGOCIOS**

**IV. ANEXOS**

1. Informe Preliminar Internacional sobre Patentabilidad (IPRP) y traducción;
2. Documento de cesión del inventor en favor de **WAVIN B.V.**;

Señora Directora,

**ANDRÉS RINCÓN USCÁTEGUI**

C.C. 79.780.910 de Bogotá

T.P. 114.908

COLO-18386-0841-0011-3  
NBV\NBV\ID-304898\WPC18386  
No. M-2019-304898\NBV