



- (51) **International Patent Classification:**
A46B 9/02 (2006.01) *A46B 1/00* (2006.01)
A45D 40/26 (2006.01)
- (21) **International Application Number:** PCT/IB2011/055612
- (22) **International Filing Date:** 12 December 2011 (12.12.2011)
- (25) **Filing Language:** English
- (26) **Publication Language:** English
- (30) **Priority Data:**
1060469 14 December 2010 (14.12.2010) FR
61/428,012 29 December 2010 (29.12.2010) US
- (71) **Applicant (for all designated States except US):**
L'OREAL [FR/FR]; 14 rue Royale, F-75008 Paris (FR).
- (72) **Inventor; and**
- (75) **Inventor/Applicant (for US only): GUERET, Jean-Louis**
[FR/FR]; 27 avenue Raymond Poincaré, F-75016 Paris (FR).
- (74) **Agent: TANTY, François;** Nony, 3 rue de Penthièvre, F-75008 Paris (FR).
- (81) **Designated States (unless otherwise indicated, for every kind of national protection available):** AE, AG, AL, AM,

AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) **Designated States (unless otherwise indicated, for every kind of regional protection available):** ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— with international search report (Art. 21(3))

(88) **Date of publication of the international search report:**
11 October 2012

(54) **Title:** APPLICATOR FOR APPLYING A PRODUCT TO THE EYELASHES AND/OR EYEBROWS AND MAKE-UP METHOD

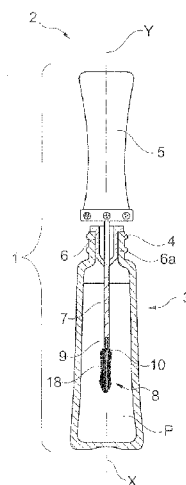


Fig. 1

(57) **Abstract:** The present invention relates to an applicator (2) for applying a product to the eyelashes and/or eyebrows, comprising a moulded applicator member (8), comprising: - a core (10) that has a longitudinal axis (X), and - teeth (18) that extend from the core, the teeth being arranged in at least five rows that extend along the longitudinal axis (X) of the core and the rows being distributed all the way around the core, the at least five rows comprising first rows and second rows, the first rows differing from the second rows by at least one of the spacing of the teeth in the row, the number of teeth in the row, the implantation of the teeth in the row, the thickness of the teeth, the shape of the teeth, the shape of the cross section of the teeth, a plurality of first rows alternating with at least one second row around the longitudinal axis of the core, the average length (1) of the teeth in a row being approximately constant from one row to another.



INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2011/055612

A. CLASSIFICATION OF SUBJECT MATTER
INV. A46B9/02 A45D40/26 A46B1/00
ADD.
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED
Minimum documentation searched (classification system followed by classification symbols)
A46B A45D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y	US 2009/159094 A1 (DUMLER NORBERT [DE]) 25 June 2009 (2009-06-25) the whole document	1,2,4-6, 10,11,13 7-9, 14-16
X Y	----- US 2010/192968 A1 (GUERET JEAN-LOUIS [FR]) 5 August 2010 (2010-08-05) paragraph [0077] - paragraph [0090] paragraph [0107] paragraph [0190] - paragraph [0192] paragraph [0226] - paragraph [0229] paragraph [0300] - paragraph [0310]; figures 4-8,29,30,79,50 ----- -/--	1,2, 4-11,13, 14,17,18 15,16

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search 17 April 2012	Date of mailing of the international search report 20/07/2012
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer Salvatore, Claudio

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2011/055612

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2010/300475 A1 (GUERET JEAN-LOUIS [FR]) 2 December 2010 (2010-12-02)	1,2,4-7, 10,11, 13,14
Y	paragraph [0254] - paragraph [0256]; figures 1,6,19-26,64-66 -----	8,9,15, 16
X	US 2008/011317 A1 (MALVAR MICHAEL [US] ET AL) 17 January 2008 (2008-01-17)	1,2,4,5, 13
Y	paragraph [0009] - paragraph [0010]; figures 3,7,8 paragraph [0055] paragraph [0061] - paragraph [0000] -----	6-11, 14-16
X	WO 2007/007449 A1 (SINWA CORP [JP]; TANAKA AKIHIRO [JP]) 18 January 2007 (2007-01-18)	1,2,4,5, 13
Y	paragraphs [0019] - [0021], [0027]; figure 2 -----	6-11, 14-16

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB2011/055612

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: 15-18(partially)
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210

3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.

3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1, 2, 6-9, 15-18(completely); 4, 5, 10-14(partially)

Remark on Protest

- The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1, 2, 6-9, 15-18(completely); 4, 5, 10-14(partially)

Applicator (2) for applying a product to the eyelashes and/or eyebrows, comprising a moulded applicator member (8), comprising:

- a core (10) that has a longitudinal axis (X), and
 - teeth (18) that extend from the core, the teeth being arranged in at least five rows (17) that extend along the longitudinal axis (X) of the core and the rows being distributed all the way around the core,
 - the at least five rows comprising first rows (17') and second rows (17''), the first rows differing from the second rows by at least one of the spacing of the teeth in the row, the number of teeth in the row, the implantation of the teeth in the row, the thickness of the teeth, the shape of the teeth, the shape of the cross section of the teeth
 - a plurality of first rows (17') alternating with at least one second row (17'') around the longitudinal axis of the core,
- wherein
- an angular spacing (X) between two consecutive rows, measured from the base of the teeth where they are attached to the core, being smaller than 50°.

2. claims: 3(completely); 4, 5, 10-14(partially)

Applicator (2) for applying a product to the eyelashes and/or eyebrows, comprising a moulded applicator member (8), comprising:

- a core (10) that has a longitudinal axis (X), and
 - teeth (18) that extend from the core, the teeth being arranged in at least five rows (17) that extend along the longitudinal axis of the core and the rows being distributed all the way around the core,
 - the at least five rows comprising first rows (17') and second rows (17''), the first rows differing from the second rows by at least one of the spacing of the teeth in the row, the number of teeth in the row, the implantation of the teeth in the row, the thickness of the teeth, the shape of the teeth, the shape of the cross section of the teeth, a plurality of first rows (17') alternating with at least one second row (17'') around the longitudinal axis of the core,
- wherein
- the applicator member being connected by a stem (7) to a gripping member, the gripping member having means (20) for indicating the position of the applicator member with respect to the user.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 15-18(partially)

Method claims 15-18 were searched as if they were inherently dependent on any one of claims 1-13. I.e. as if the wording of claim 15 ".....application member, in particular an applicator as defined in any one of claims 1 to 13, comprising...." were in fact ".....application member as defined in any one of claims 1 to 13, comprising....". Without this interpretation, the applicator of claims 1-13 would only be an optional feature and hence the claim would not be unitary with the rest of the application because applicators widely differing from those of claims 1-13 could be used.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.2), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No PCT/IB2011/055612

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2009159094 A1	25-06-2009	EP 2071977 A1 US 2009159094 A1	24-06-2009 25-06-2009

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