

Castillo Grau & Asociados

ABOGADOS

Señora Directora
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Bogotá, D.C.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-013403- -00004-0000

Fecha: 2010-05-12 11:12:39 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 379 FASENACIONALII
Act. 444 RESPUESTAREQUE Folios: 13

Re.: Expediente No. 10 13.403
Fase nacional de Solicitud
de Patente PCT a nombre de
SYNTHESES GmbH
Código 011 - 379 - 444

En relación con la solicitud contenida en el expediente de la referencia y en particular, para dar respuesta a su requerimiento contenido en el Oficio No. 3546, dentro del término conferido, por medio del presente escrito me permito manifestarle:

1. Mi representada me ha dado precisas instrucciones de modificar el título de la solicitud por el de:

“Un ensamblaje de cuerpo para encajar con un chasquido sobre una porción de cabeza de un anclaje óseo”.

2. Acompaño el comprobante de pago por concepto de ésta modificación,

Recibo No. 38,277

3. Acompaño copia certificada del documento en que consta la cesión del derecho a la patente de los Inventores

- Thomas Keyer
- Joseph Capozzoli
- Eric McDivitt

a favor de la sociedad Synthes (U.S.A.), debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

4. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes (U.S.A.) a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

Le solicito se sirva agregar este escrito y sus anexos al expediente y continuar con el trámite de la solicitud.

De Usted Atentamente,

GERMAN CASTILLO GRAU

T.P. No. 2.978 del C.S.J

Apostille

(Convention de La Haye du 5 Octobre 1961)

3

1. Country: **United States of America**

This public document

2. has been signed by **Norman Goodman**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 30th day of April 2010

7. by Secretary of State, State of New York

8. No. NYC-10760596A

9. Seal/Stamp

10. Signature



Lorraine Cortés-Vázquez

Lorraine Cortés-Vázquez
Secretary of State

4

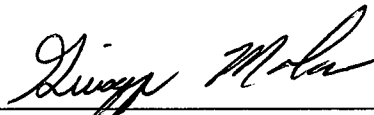
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on December 10, 2008 by **Thomas Keyer**, executed on December 10, 2008 by **Joseph Capozzoli**, and executed on December 10, 2008 by **Eric McDivitt** to **Synthes (U.S.A.)**, in connection with PCT International Application No. PCT/US08/70670, filed on July 21, 2008, which claims priority to U.S. Provisional Application No. 60/950,995, filed on July 20, 2007 and U.S. Provisional Application No. 60/988,584, filed on November 16, 2007.


Giuseppe Molaro

COUNTY
CLERK

Subscribed and sworn to before me this 8th day of April 2010.


Notary Public

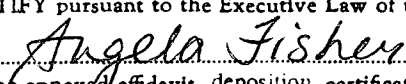
ANGELA FISHER
Notary Public, State of New York
No. 31-4939107
Qualified in New York County

State of New York
County of New York

NEW YORK
COUNTY
ss.:

774518 Form 1

I, **NORMAN GOODMAN**, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal,
DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

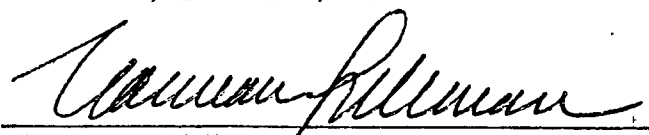


whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

APR 21 2010

FEE PAID \$3.00


County Clerk and Clerk of the Supreme Court, New York County

5

ASSIGNMENT

WHEREAS, WE, (i) **Thomas KEYER**, citizen of the United States, residing at 683 Normandy Court, West Chester, PA 19382; (ii) **Joseph CAPOZZOLI**, citizen of the United States, residing at 828 Braddock Terrace, Mount Laurel, NJ 08054; and (iii) **Eric MCDIVITT**, citizen of the United States, residing at 971 Gallery Drive, Schwenksville, PA 19473, ASSIGNORS, are the inventors of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/70670, which was filed with the United States Patent and Trademark Office on July 21, 2008, entitled POLYAXIAL BONE FIXATION ELEMENT, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1515, and which claims priority to U.S. Provisional Application No. 60/950,995, filed on July 20, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1158, and U.S. Provisional Application No. 60/988,584, filed on November 16, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1311.

AND WHEREAS, **SYNTHES (U.S.A.)**, ASSIGNEE, a Pennsylvania General Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining our entire right, title and interest in, to and under all the invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from the application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all countries.

IN TESTIMONY WHEREOF, We have hereunto signed our names on the date(s) indicated opposite our respective signatures.

Date: 12/10/08

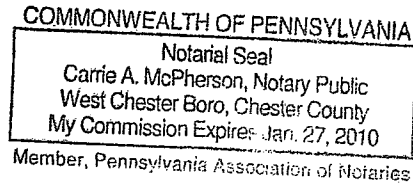
Thomas Keyer L.S.
Thomas KEYER

State of Pennsylvania)
) SS:
County of Chester)

On December 10, 2008, before me Carrie A. McPherson, Notary Public, personally appeared Thomas Keyer, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



Date: 12/10/08

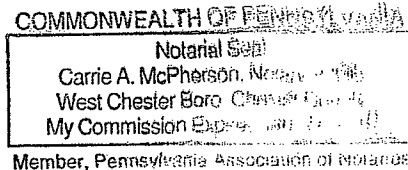
Joseph CAPOZZOLI L.S.
Joseph CAPOZZOLI

State of Pennsylvania)
) SS:
County of Chester)

On December 10, 2008, before me Carrie A. McPherson, Notary Public, personally appeared Joseph CAPOZZOLI, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



1

Date: 12/10/2008

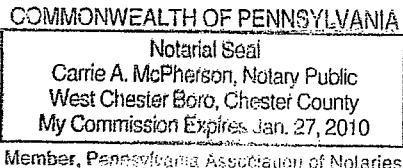
Eric McDivitt L.S.
Eric MCDIVITT

State of Pennsylvania)
) SS:
County of Chester)

On December 10, 2008, before me Carrie A. McPherson, Notary Public, personally appeared Eric McDivitt, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



ASSIGNEE: **Synthes (U.S.A.)**

Dennis J. Butler Authorized to sign on behalf of Synthes (U.S.A.)

Signature: Dennis J. Butler
Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

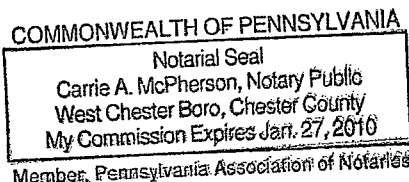
Date: December 29, 2008

Commonwealth of Pennsylvania)
) SS:
County of Chester)

On December 29, 2008, before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**
This public document
2. has been signed by **Norman Goodman**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York
6. the 30th day of April 2010
7. by Secretary of State, State of New York
8. No. NYC-10760595A
9. Seal/Stamp
10. Signature



Lorraine Cortés-Vázquez

Lorraine Cortés-Vázquez
Secretary of State

9

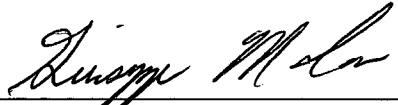
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on December 29, 2008 from **Synthes (U.S.A.)** to **Synthes GmbH** in connection with PCT International Application No. PCT/US08/70670, filed on July 21, 2008, which claims priority to U.S. Provisional Application No. 60/950,995, filed on July 20, 2007 and U.S. Provisional Application No. 60/988,584, filed on November 16, 2007.



Giuseppe Molaro


Subscribed and sworn to before me this 8th day of April 2010.

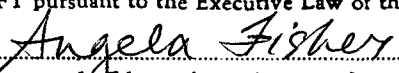


Notary Public

ANGELA FISHER
Notary Public, State of New York
No. 31-4939107
Qualified in New York County
Commission Expires July 25, 2010

774517 Form 1

State of New York }
County of New York }
I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal,
DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

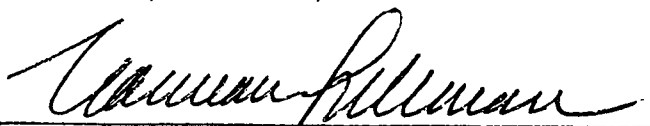


whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

FEE PAID \$3.00

APR 21 2010



County Clerk and Clerk of the Supreme Court, New York County

10

ASSIGNMENT

WHEREAS, **Synthes (U.S.A.)**, ASSIGNOR, a Pennsylvania General Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/70670, which was filed with the United States Patent and Trademark Office on July 21, 2008, entitled POLYAXIAL BONE FIXATION ELEMENT and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan Attorney Docket No. 001227/1515, and which claims priority to U.S. Provisional Application No. 60/950,995, filed on July 20, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1158, and U.S. Provisional Application No. 60/988,584, filed on November 16, 2007, identified by Stroock & Stroock & Lavan LLP Docket No. 001227/1311.

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, CH-4436 Oberdorf, Switzerland, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations").

AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and reissues thereof.

AND ASSIGNOR HEREBY authorizes and requests said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and signs his name on the date indicated below.

11
ASSIGNOR: Synthes (U.S.A.)

Dennis J. Butler Authorized to sign on behalf of Synthes (U.S.A.)

Signature:

Position/Title: Dennis Butler
Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

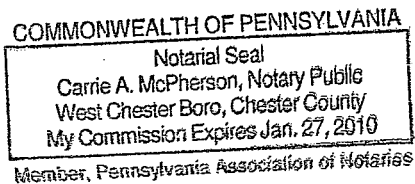
Date:

December 29, 2008

Commonwealth of Pennsylvania)
) SS:
County of Chester)

On December 29, 2008, before me, Carrie A. McPherson, Notary Public, personally appeared Dennis J. Butler, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



Carrie A. McPherson
ASSIGNEE: Synthes GmbH

Dennis J. Butler Authorized to sign on behalf of Synthes GmbH

Signature:

Position/Title: Dennis Butler
Patent Counsel

Address: Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

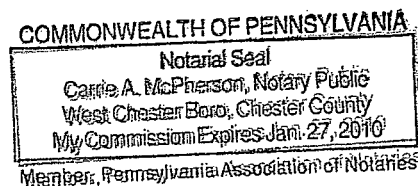
Date:

December 29, 2008

Commonwealth of Pennsylvania)
) SS:
County of Chester)

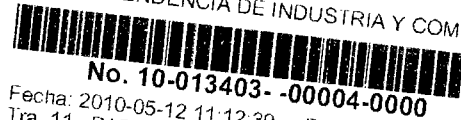
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WITNESS my hand and official seal



Carrie A. McPherson

12
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-013403-00004-0000

Fecha: 2010-05-12 11:12:39 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 379 FASENACIONALII
Act. 444 RESPUESTAREQUE Folios: 13

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 10 - 38,277
FECHA : MAYO 12 DE 2010

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	Vr. PAGO
CASTILLO GRAU Y ASOCIADOS	CONSIGNACION	BANCO DE BOGOTA	062754387	359976046	12/05/2010	114,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-03	CAMBIO DE MODALIDAD Y MODIFICA	
		12 MARCAS Y LEMAS COMERCIALES	114,000.00
		TOTAL :	\$ 114,000.00

SON: CIENTO CATORCE MIL PESOS

RESPONSABLE : 

RECIBO DE CAJA APLICADO AL EXPEDIENTE No. _____



2020
Bogotá D.C.,

Doctor(a)
CASTILLO GRAU GERMAN
Apoderado(a) y/o Representante de
SYNTHESE GMBH

REFERENCIA	Radicación No.	10 13403
	Solicitud internacional	PCT/US2008/070670
	Fecha inicio fase nacional	20/02/2010
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	11802
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

03 DIC. 2010

Cúmplase
Dado en Bogotá DC,

ALIX CARMENZA CESPEDES DE VERGEL
Directora de Nuevas Creaciones (c)

jfernand