

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-028455- -00003-0000

Fecha: 2010-05-12 11:06:32 Dep. 2020 DIR.NULVASCH
Ira. 11 PATENTEIYII Lve: 378 FASLNACIONALI
Act. 444 RESPUESTARLQUE Folios: 17

Re.: Expediente No. 10 28.455
Fase nacional de Solicitud
de Patente PCT a nombre de
SYNTHES GmbH
Código 011 – 378 - 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. 3966, dentro del término conferido, por medio del presente escrito me permito manifestarle:

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

- Jason S. Chan
- Alberto A. Fernandez Dell'Oca

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

2. Acompaño copia certificada del documento donde consta el Cambio de Forma Jurídica de la sociedad Synthes (U.S.A.) por la de Synthes USA, LLC, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

3. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes USA, LLC 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

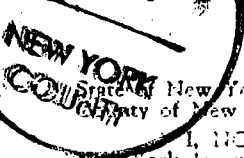
5. At New York, New York
6. the 03rd day of May 2010
7. by Secretary of State, State of New York
8. No. NYC-10760762A
9. Seal/Stamp
10. Signature



Lorraine Cortés-Vázquez

Lorraine Cortés-Vázquez
Secretary of State

33



776696

State of New York } ss:
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

Anita Chang

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

MAY 03 2010

FEE PAID \$3.00

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

gh

VERIFICATION

State of New York)

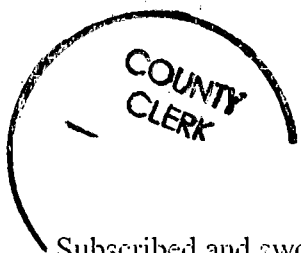
ss:

County of New York)

I verify that the attached document identified as:

Assignment

is a true copy of the document as executed on **March 28, 2008** by **Jason S. CHAN** and on **January 28, 2008** by **Alberto A. Fernandez DELL'OCA** to **Synthes (U.S.A.)** of United States and corresponding foreign rights in connection with **U.S. Provisional Patent Application Serial No. 60/955,506** filed on **August 13, 2007** and **U.S. Patent Application Serial No. 11/971,358** filed on **January 9, 2008**.





Yuliya Artsheuskaya

Subscribed and sworn to before me this 3 day of May of 2010.



Notary Public

ANITA CHANG
Notary Public, State of New York
No. 02CH6220245
Qualified in New York County
Commission Expires April 12, 2014

5

ASSIGNMENT

WHEREAS, WE, **Jason S. Chan**, residing at 1919 Audubon Drive, Dresher, Pennsylvania 19025, and **Alberto A. Fernandez**, residing at Desauville 1781, Montevideo, Uruguay 11500, ASSIGNORS, are inventors of the invention disclosed, described and/or claimed in United States Provisional Patent Application No. **60/955,506**, which was filed on **August 13, 2007**, entitled **Variable Angle Locked Bone Fixation System** and having Jones Day Docket No. 8932-1340-888; and United States Patent Application No. **11/971,358**, which was filed on **January 9, 2008**, entitled **Highly-Versatile Variable-Angle Bone Plate System** and Jones Day Docket No. 8932-1340-999;

AND WHEREAS, **SYNTHEX (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: 3/28/08

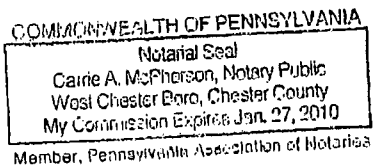
Jason S. Chan L.S.
Jason S. Chan

Commonwealth
State of PA)
County of Chester) SS:

On 3/28/08 before me, Carrie A. McPherson, Notary Public, personally appeared Jason S. Chan, 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: _____

Alberto A. Fernandez L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

1

Date: _____ L.S.
Jason S. Chan

State of _____)
County of _____) SS:

On _____, before me _____, Notary Public, personally appeared _____, 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

Date: 12/January/08

Alberto A. Fernandez L.S.

WITNESS:

AAA - LUCIA FERNANDEZ
(Printed Name)

Lucia Fernandez
(Signature)

Date: 10/1/08

87

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 03rd day of May 2010

7. by Secretary of State, State of New York

8. No. NYC-10760759A

9. Seal/Stamp

10. Signature



Lorraine Cortés-Vázquez
Secretary of State

CLERK

776703 Form 1

State of New York
County of New York, ss.:

GERMAN 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

ANTA CHANG
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

MAY 03 2010

FEE PAID \$3.00

William P. Murray
County Clerk and Clerk of the Supreme Court, New York County

89

VERIFICATION

State of New York)

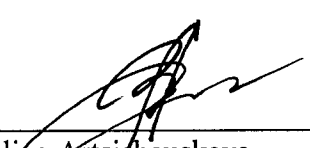
ss:

County of New York)

I verify that the attached document identified as:

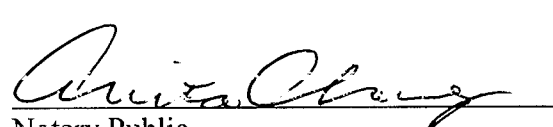
Change of Name Document

is a true copy of the document as executed on **December 31, 2008** by **Synthes (U.S.A.)** to **Synthes USA, LLC** in all geographic locations in connection with U.S. Provisional Patent Application Serial No. **60/955,506** filed on **August 13, 2007** and U.S. Patent Application Serial No. **11/971,358** filed on **January 9, 2008**.



Yuliya Artsishenskaya


Subscribed and sworn to before me this 3 day of May of 2010.



Notary Public

ANITA CHANG
Notary Public, State of New York
No. 02CH6220245
Qualified in New York County
Commission Expires April 12, 2014

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A PENNSYLVANIA GENERAL PARTNERSHIP UNDER THE NAME OF "SYNTHES (U.S.A.)" TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "SYNTHES (U.S.A.)" TO "SYNTHES USA, LLC", FILED IN THIS OFFICE ON THE TWENTY-THIRD DAY OF DECEMBER, A.D. 2008, AT 3:20 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 11:58 O'CLOCK P.M.



4637595 8100V

081225463

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 7046256

DATE: 12-23-08

90

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:51 PM 12/23/2008
FILED 03:20 PM 12/23/2008
SEV 081225463 - 4637595 FILE

SYNTHES (U.S.A.)
CERTIFICATE OF CONVERSION
TO
LIMITED LIABILITY COMPANY

This Certificate of Conversion to Limited Liability Company, dated December 23, 2008 is executed and filed by the undersigned to convert Synthes (U.S.A.), a Pennsylvania general partnership, into a limited liability company (the "Company") under the Delaware Limited Liability Company Act. The undersigned certifies as follows:

FIRST: The Company first came into being upon the execution of a Partnership Agreement on April 22, 1987.

SECOND: The name of the Company immediately prior to the filing of this Certificate of Conversion to Limited Liability Company is Synthes (U.S.A.).

THIRD: The name of the Company as set forth in the Certificate of Formation of Limited Liability Company filed concurrently herewith is Synthes USA, LLC.

FOURTH: This Certificate of Conversion shall be effective at 11:58 p.m. on December 31, 2008.

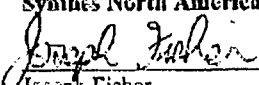
IN WITNESS WHEREOF, the undersigned have executed this Certificate of Conversion to Limited Liability Company as of the date first written above.

SYNTHES (U.S.A.)

By: **SYTH, Inc.**

By: 
Name: Robert Donohue
Title: Treasurer

By: **Synthes North America, Inc.**

By: 
Name: Joseph Fisher
Title: Secretary

Delaware

PAGE 2

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF CERTIFICATE OF FORMATION OF "SYNTHES USA, LLC" FILED IN THIS OFFICE ON THE TWENTY-THIRD DAY OF DECEMBER, A.D. 2008, AT 3:20 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF FORMATION IS THE THIRTY-FIRST DAY OF DECEMBER, A.D. 2008, AT 11:58 O'CLOCK P.M.



4637595 8100V

081225463

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 7046256

DATE: 12-23-08

12

92

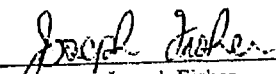
13

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:51 PM 12/23/2008
FILED 03:20 PM 12/23/2008
SEV 081225463 - 4637595 FILE

**CERTIFICATE OF FORMATION
OF
SYNTHES USA, LLC**

1. The name of the limited liability company is Synthes USA, LLC.
2. The address of its registered office in the State of Delaware is 1209 Orange Street, in the City of Wilmington, in the County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.
3. This Certificate of Formation shall be effective at 11:58 p.m. on December 21, 2008.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of Synthes USA, LLC this 23 day of December, 2008.


Name: Joseph Fisher
Title: Authorized Person

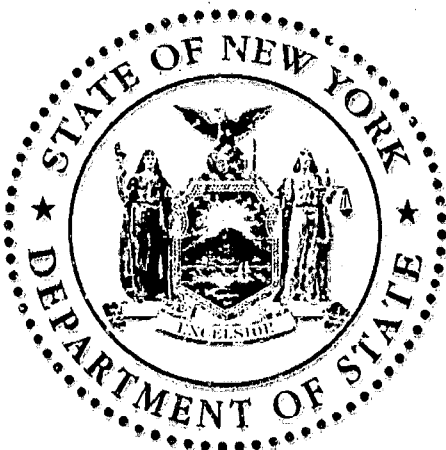
Apostille

(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 03rd day of May 2010
7. by Secretary of State, State of New York
8. No. NYC-10760760A
9. Seal/Stamp
10. Signature



Lorraine Cortés-Vázquez
Secretary of State

NEW YORK
COUNTY

State of New York
County of New York,

} ss.:

776690

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

Anta Chandra

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

MAY 03 2010

FEE PAID \$3.00

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

as

VERIFICATION

State of New York)

ss:

County of New York)

I verify that the attached document identified as:

Assignment

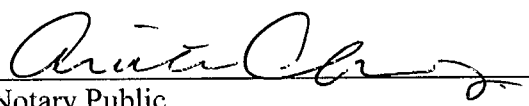
is a true copy of the document as executed on January 25, 2010 by **Synthes USA, LLC** to **Synthes GmbH** in all geographic locations, except Canada and United States of America, in connection with U.S. Provisional Patent Application Serial No. **60/955,506** filed on **August 13, 2007** and U.S. Patent Application Serial No. **11/971,358** filed on **January 9, 2008**.



Yuliya Artsisheuskaya


COUNTY
CLERK

Subscribed and sworn to before me this 3 day of May of 2010.



Notary Public

ANITA CHANG
Notary Public, **State of New York**
No. **02CH6220245**
Qualified in **New York County**
Commission Expires **April 12, 2014**

ASSIGNMENT

WHEREAS, Synthes USA, LLC, ASSIGNOR, a Delaware Limited Liability Company organized under the laws of the State of Delaware 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 Application Serial No. PCT/US2008/072894, filed on August 12, 2008, entitled **Highly-Versatile Variable-Angle Bone Plate System** and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by (Fay Kaplun & Marcin, LLP) Attorney Docket No. 10139/12304 (00206-08PPCT1) and which claims priority to the U.S. Patent Application No. 11/971,358, filed on January 9, 2008, which is identified by (Fay Kaplun & Marcin, LLP) Attorney Docket No. 10139/12303 (00206-08PUS3) and to the Provisional Patent Application No. 60/955,506, filed on August 13, 2007, which is identified by (Fay Kaplun & Marcin, LLP) Attorney Docket No. 10139/12301 (00206-07PUS2).

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Elmattstrasse 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.

17

ASSIGNOR: Synthes USA, LLC

Authorized to sign on behalf of Synthes USA, LLC

Signature:

Amade Allen

Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

Jan 28, 2010

ASSIGNEE: Synthes GmbH

Authorized to sign on behalf of Synthes GmbH

Signature:

Stefan M. M. M. M.

Position/Title:

Patent Counsel

Address:

Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date:

1 February 2010

97



2020

Bogotá D.C.,

Doctor(a)

CASTILLO GRAU GERMAN

Apoderado(a) y/o Representante de
SYNTHESE GMBH

REFERENCIA	Radicación No.	10 28455
	Solicitud internacional	PCT/US2008/072894
	Fecha inicio fase nacional	13/03/2010
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	11995
	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.

Cúmplase

Dado en Bogotá DC,

25 ENE. 2010

JOSE LUIS SALAZAR LOPEZ

Director de Nuevas Creaciones (E)

jfernand