

1

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-056051- -00005-0000

Fecha: 2010-08-17 10:59:16 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 9

Re.: Expediente No. 10 56.051
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. 7132, 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:

“Una prótesis de disco intervertebral para implantar entre primero y segundo cuerpos vertebrales adyacentes”.

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

Recibo No. 67,197

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

– Gianluca Maestretti

– Michael Arzdorf

3h

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

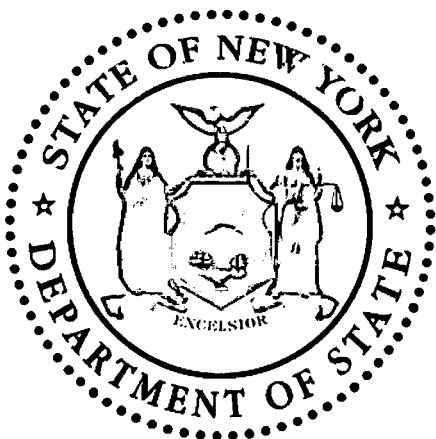
5. At New York, New York 6. the 30th day of July 2010

7. by Secretary of State, State of New York

8. No. NYC-10759848B

9. Seal/Stamp

10. Signature



Lorraine Cortés-Vázquez
Secretary of State

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

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

Mag. Fisher

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

JUL 23 2010
FEE PAID \$3.00

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

21

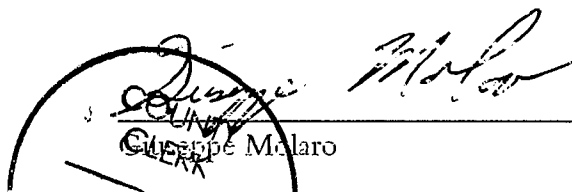
VERIFICATION

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

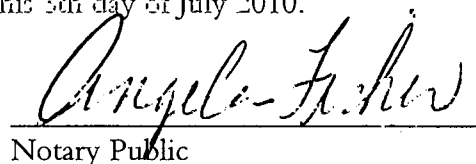
I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on October 11, 2008 by **Gianluca Maestretti**, and executed on November 3, 2008 by **Michael Arzdorf**, in connection with PCT International Application No. PCT/US08/30171, filed on October 16, 2008, which claims priority to U.S. Provisional Application No. 60/981,341, filed on October 19, 2007.


Giuseppe Molaro

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


Notary Public

ANGELA FISHER
Notary Public, State of New York
No. 514339107
Qualified in New York County
Commission Expires July 25, 20 10

5

ASSIGNMENT

WHEREAS, WE, (i) **Gianluca MAESTRETTI**, citizen of Switzerland, residing at Les Coudees 11, 1784 Walenried, Switzerland; and (ii) **Michael ARZDORF**, citizen of Germany, residing at Henschlingstrasse 2, 4107 Ettingen, Switzerland, ASSIGNORS, are the inventors of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/80171, which was filed with the United States Patent and Trademark Office on October 16, 2008, entitled HEMI-PROCTHESIS, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1568, and which claims priority to Provisional Application No. 60/961,341, filed on October 19, 2007, which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1271.

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company, organized under the laws of Switzerland and having a place of business at Eimattstrasse 5, Oberdorf, Switzerland CH-4436, 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 releases 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 releases 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.

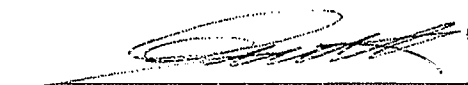
AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

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.

b

Date: 11.10.05


Gianluca MAESTRETTI L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

Date: _____

Michael ARZDORF L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

ASSIGNEE: Synthes GmbH

Troy T. Svihl Authorized to sign on behalf of Synthes GmbH

Signature: _____

Position/Title: Patent Counsel

Address: Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date: _____

WITNESS:

(Printed Name)

(Signature)

Date: _____

39

4

ASSIGNMENT

WHEREAS, WE, (i) **Gianluca MAESTRETTI**, citizen of Switzerland, residing at Les Coudes 11, 1784 Walenried, Switzerland; and (ii) **Michael ARZDORF**, citizen of Germany, residing at Henslingenstrasse 2, 4107 Ettingen, Switzerland, ASSIGNORS, are the inventors of the invention disclosed, described and/or claimed in PCT International Application No. PCT/US08/80171, which was filed with the United States Patent and Trademark Office on October 16, 2008, entitled HEMI-PROSTHESIS, and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1568, and which claims priority to Provisional Application No. 60/981,341, filed on October 19, 2007, which is identified by Stroock & Stroock & Lavan LLP Attorney Docket No. 001227/1271.

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company, organized under the laws of Switzerland and having a place of business at Elmstrasse 3, Oberdorf, Switzerland CH-4436, 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: _____

Gianluca MAESTRETTI L.S.

WITNESS:

(Printed Name)

(Signature)

Date: _____

Date: 3.11.08

Michael ARZDORF L.S.

WITNESS:

Esther Jakob
(Printed Name)


(Signature)

Date: November 3, 2008

ASSIGNEE: Synthos GmbH

Troy T. Svild Authorized to sign on behalf of Synthos GmbH

Signature: _____

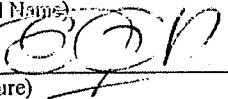
Position/Title: Patent Counsel

Address: Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date: November 17, 2008

WITNESS:

Esther Jakob
(Printed Name)


(Signature)

Date: November 17, 2008

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800160089-2

RECIBO OFICIAL DE CAJA : 10 - 67,191
FECHA : AGOSTO 17 DE 2010

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 10-056051- -00005-0000

Fecha: 2010-08-17 10:59:10 Dep. 2020 DIR.NUEVASCR
Tra 11 PATENTEIYII Eva 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 9

**** CONSIGNACION ****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR. PAGO
CASTILLO BRAC Y ASOCIADOS	CONSIGNACION	BANCO DE BOGOTA	062754387	374733/40	17/08/2010	1,399,000.00

**** CONCEPTO ****

CONCEPTO	CONCEPTO	TOTAL CONCEPTO
1 50005-01-03 CAMBIO DE MODALIDAD Y MODIFICACION	12 MARCAS Y LEYAS 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
SYNTHE S GMBH

REFERENCIA	Radicación No.	10 56051
	Solicitud internacional	PCT/US2008/080171
	Fecha inicio fase nacional	19/05/2010
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	12261
	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,



JOSE LUIS SALAZAR LOPEZ
Director de Nuevas Creaciones (C)

02 MAR 2011

jfernand