

AS: 90.025

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. S. D.

SUPERINDUSTRIA Y COMERCIO
Radicación : 03011545 00000002
Fecha (MM): 2003-08-28 16:00:36
Trámite : 011 PCT-PATENT 378 FASE NACI 329 COMPLEN
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES
Folios: 18

RESPUESTA A OFICIO 05568 DE JULIO 18, 2003

REF: Expediente No. 03 011.545 - Solicitud de Patente FASE NACIONAL
Corresp. a la Solicitud Internacional PCT/US01/24540
a favor de BRISTOL – MYERS SQUIBB COMPANY
Titulada: POLIMORFOS DE UN ANÁLOGO DE EPOTILONA

RAMIRO CASTRO DUQUE, vecino de Bogotá, portador de la tarjeta profesional No. 1003, obrando como apoderado de la Sociedad BRISTOL – MYERS SQUIBB COMPANY, según lo acredita el documento de Poder presentado en esa División bajo el No. 19358, para dar cumplimiento al requerimiento notificado por fijación en lista el 18 de Julio de 2003 y de acuerdo con los Artículos 38 y 39 de la Decisión 486 de la Comisión de la Comunidad Andina, Artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la SIC, me permito anexar al presente escrito los siguientes documentos:

1. Copia del examen preliminar efectuado por la IPEA, junto con su correspondiente traducción al castellano.
2. Documento donde consta la cesión del derecho a la Patente otorgado por los inventores al solicitante, debidamente apostillado.
3. Nos permitimos aclarar que de conformidad con los documentos presentados con nuestro memorial Petitorio, la presente solicitud corresponde al capítulo II del PCT.

De la señora jefe atentamente,



RAMIRO CASTRO DUQUE
C.C. No. 170.322 de Bogotá
Código 340
Cra 7a. No. 16-56 Piso 9

Bogotá, Agosto 27, 2003
CHP/MEV/hsr

PATENT COOPERATION TREATY

2
93

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

RECEIVED

BMS PATENT LAW

PCT

To:
ALDO ALGERI
BRISTOL-MYERS SQUIBB COMPANY
P.O. BOX 4000
LAWRENCEVILLE-PRINCETON ROAD
PRINCETON, NJ 08543-4000

APR 25 2003

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

Docketed Item

MIS-1PLT

Due Date

4/12/03

(PCT Rule 71.1)

Attorney

(20)

Date of Mailing
(day/month/year)

22 APR 2003

Applicant's or agent's file reference

LD214

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US01/24540

01 August 2001 (01.08.2001)

16 August 2000 (16.08.2000)

Applicant

BRISTOL-MYERS SQUIBB COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20591

Facsimile No. (703)305-3230

Authorized officer

Bruck Filler

Telephone No. 703-305-1235

Form PCT/IPEA/416 (July 1992)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/24540

1. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-21 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☒ the claims:
 pages 22-26 as originally filed
 pages NONE as amended (together with any statements) under Article 19
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☒ the drawings:
 pages 1-9 as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages NONE as originally filed
 pages NONE filed with the demand
 pages NONE filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 46.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* 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 since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

4 95

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US91/24540

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-21</u>	NO
Industrial Applicability (IA)	Claims <u>1-21</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-21 lack novelty under PCT Article 33(2) as being anticipated by SOONG-HOON et al. (WO 99/27890). The claims read on the compound of Example 1 (see pages 10-12).

Claims 1-21 lack an inventive step under PCT Article 33(3) as being obvious over SOONG-HOON et al. (WO 99/27890).

Where applicant claims a composition in terms of a function, property or characteristic and the composition of the prior art is the same as that of the claim but the function is not explicitly disclosed by the reference, the examiner may make a rejection under both 35 U.S.C. 102 and 103, expressed as a 102/103 rejection.

"There is nothing inconsistent in concurrent rejections for obviousness under 35 U.S.C. 103 and for anticipation under 35 U.S.C. 102." In re Best, 562 F.2d 1252, 1255 n.4, 195 USPQ 430, 433 n.4 (CCPA 1977). This same rationale should also apply to product, apparatus, and process claims claimed in terms of function, property or characteristic. Therefore, a 35 U.S.C. 102/103 rejection is appropriate for these types of claims as well as for composition claims.

Claims 1-21 meet the criteria set out in PCT Article 33(4) in that these compounds are known as anticancer agents.

NEW CITATIONS ————0

TRATAD DE COOPERACIÓN EN MATERIA DE PATENTES

1/7 96

Remitente:

OFICINA ENCARGADA DEL EXAMEN PRELIMINAR INTERNACIONAL

A:

ALDO ALGIERI
BRISTOL-MYERS SQUIBB COMPANY
P.O. BOX 4000
LAWRENCEVILLE-PRINCETON ROAD
PRINCETON, NJ 08543-4000

PCT

COMUNICACIÓN SOBRE EL ENVÍO DEL INFORME DE EXAMEN PRELIMINAR INTERNACIONAL

(Regla 71.1 PCT)

Fecha de envío
(Día/Mes/Año)

22 de Abril de 2003

No. de Expediente del Solicitante o Apoderado

LD214

COMUNICACIÓN IMPORTANTE

No. de Solicitud Internacional
PCT / US01/ 24540

Fecha Internacional de Presentación
(día/mes/año)
01 de Agosto de 2001 (01.08.2001)

Fecha de Prioridad (día/mes/año)
16 de Agosto de 2000 (16.08.2000)

Solicitante

BRISTOL-MYERS SQUIBB COMPANY

1. Se comunica al solicitante que la oficina encargada del examen preliminar internacional le envía con el presente el Informe de examen preliminar internacional, elaborado para la solicitud internacional, en caso dado con los anexos correspondientes.

2. Una copia del Informe, en caso dado con los anexos correspondientes se hace llegar a la Oficina Internacional para su envío posterior a todas las oficinas seleccionadas.

3. A solicitud de una oficina seleccionada, la Oficina Internacional preparará una traducción del Informe (pero no de los anexos) al inglés y la remitirá a esta oficina.

4. RECORDATORIO

Para ingresar en la fase nacional el solicitante, dentro de los 30 meses a partir de la fecha de prioridad (o en algunas oficinas incluso después), tiene que realizar ante cada oficina seleccionada ciertos actos (entrega de traducciones y desembolso de honorarios nacionales) (Artículo 39 (1)) (véase también la información remitida por la Oficina Internacional en el Formulario PCT/IB/301).

Si se tiene que enviar a una oficina seleccionada una traducción de la solicitud internacional, entonces esta traducción tiene que incluir traducciones de todos los anexos al Informe de examen preliminar internacional. Es obligación del solicitante elaborar dichas traducciones y hacerlas llegar directamente a las oficinas seleccionadas respectivas.

Mayores detalles en cuanto a los plazos normativos y los requisitos de las oficinas seleccionadas se desprenden del Volumen II de la guía PCT para solicitantes.

Nombre y dirección postal de la Oficina Encargada del
Examen Preliminar Internacional (IPEA/US)

Comisionado de Patentes Y Marcas
Box PCT
Washington, D.C. 20231

Fax No. (703) 305 - 3230

Empleado Autorizado

Bruck Kille

Teléfono No. 703-308-1235

Formulario PCT/IPEA/416 (Julio 1992)

**INFORME DE EXAMEN PRELIMINAR
INTERNACIONAL**

Solicitud Internacional No.
PCT/US01/24540

I. Base del Informe

1. Con respecto a los elementos de la solicitud internacional:*

- ☒ la solicitud internacional tal como se radicó originalmente
- ☒ la descripción:
páginas 1-21, como se radicaron originalmente
páginas NINGUNA, radicadas con la petición
páginas NINGUNA, radicadas con la carta de _____
- ☒ las reivindicaciones:
Páginas 22-26, como se radicaron originalmente
páginas NINGUNA, como se modificaron (junto con cualquier declaración) bajo artículo 19
páginas NINGUNA, radicadas con la petición
páginas NINGUNA, radicadas con la carta de _____
- ☒ los dibujos:
páginas 1-9, como se radicaron originalmente
páginas NINGUNA, radicadas con la petición
páginas NINGUNA, radicadas con la carta de _____
- ☐ la parte del listado de secuencias de la descripción:
páginas NINGUNA, como se radicaron originalmente
páginas NINGUNA, radicadas con la petición
páginas NINGUNA, radicadas con la carta de _____

2. En lo concerniente al idioma, todos los elementos indicados más arriba estuvieron a disposición de la administración o le fueron enviados en el idioma en el cual se radicó la solicitud internacional, salvo indicación en contrario consignada bajo este punto.

Estos elementos estuvieron a disposición de la administración o le fueron enviados en el idioma siguiente _____ que es:

- ☐ el idioma de una traducción enviada para efectos de la búsqueda internacional (según la regla 23.1 (b)).
- ☐ el idioma de publicación de la solicitud internacional (según la regla 48.3 (b)).
- ☐ el idioma de la traducción enviada para efectos del examen preliminar internacional (según la regla 55.2 y/o 55.3).

3. En lo que concierne a la secuencia de nucleótidos o aminoácidos divulgados en la solicitud internacional (en caso dado), el examen preliminar internacional se llevó a cabo sobre la base del listado de secuencias:

- ☐ contenido en la solicitud internacional, por escrito.
- ☐ radicado con la solicitud internacional, en formato de lectura por computador.
- ☐ remitido posteriormente a la administración, por escrito.
- ☐ remitido posteriormente a la administración, en formato de lectura por computador.
- ☐ se ha prestado la declaración, según la cual el listado de secuencias por escrito y suministrado posteriormente no va más allá de la divulgación hecha en la solicitud tal como se radicó.
- ☐ se ha prestado la declaración, según la cual las informaciones registradas en formato de lectura por computador son idénticas a las de los listados de secuencias, presentados por escrito.

4. Las modificaciones han acarreado la anulación:

- ☐ de la descripción, páginas NINGUNA.
- ☐ de las reivindicaciones, Nos. NINGUNA.
- ☐ de los dibujos, hojas/fig NINGUNA.

5. El presente informe se preparó sin tener en cuenta (algunas de) las modificaciones, que se consideraron que van más allá de la exposición de la invención tal como se radicó según se indica a continuación en el Cuadro Suplementario (regla 70.2 (c)).**

* Hojas intercambiables, que se presentaron a la Oficina de Radicación con base en una solicitud según Artículo 14, se consideran en el marco de este informe como "presentadas inicialmente" y no se le adjuntan porque no contienen ningún tipo de modificaciones (Reglas 70.16 y 70.17).

** Toda hoja intercambiable que incluya modificaciones de esta índole debe indicarse en el punto 1 y anexarse al presente informe.

INFORME DE EXAMEN PRELIMINAR INTERNACIONAL

Solicitud Internacional No.

PCT/US01/24540

V. Declaración motivada bajo Regla 88.2(a)(II) en cuanto a la novedad, la actividad inventiva y la posibilidad de aplicación industrial; citas y explicaciones en apoyo de esta declaración

1. DECLARACIÓN

Novedad (N)	Reivindicaciones <u>NINGUNA</u>	SI
	Reivindicaciones <u>1-21</u>	NO
Actividad Inventiva (IS)	Reivindicaciones <u>NINGUNA</u>	SI
	Reivindicaciones <u>1-21</u>	NO
Posibilidad de Aplicación Industrial (IA)	Reivindicaciones <u>1-21</u>	SI
	Reivindicaciones <u>NINGUNA</u>	NO

2. CITAS Y EXPLICACIONES

Las reivindicaciones 1-21 carecen de novedad bajo Artículo 33(2) PCT como anticipadas por SOONG-HOON et al. (WO 99/27890). Las reivindicaciones se inferen del compuesto de Ejemplo 1 (ver páginas 10-12).

Las reivindicaciones 1-21 carecen de actividad inventiva bajo Artículo 33(3) PCT como obvias con base en SOONG-HOON et al. (WO 99/27890).

Donde el solicitante reivindica una composición en términos de una función, propiedad o característica y la composición del arte previo es la misma que la de la reivindicación pero la función no se divulga explícitamente por la referencia, el examinador puede hacer un rechazo bajo 35 U.S.C. 102 y 103, expresado como un rechazo 102/103. "No hay nada inconsistente en rechazos concurrentes por obviedad bajo 35 U.S.C. 103 y por anticipación bajo 35 U.S.C. 102". En re Best, 562 F.2d 1252, 1255 n.4. 195 USPQ 430, 433 n.4 (CCPA 1977). Esta misma política debe aplicarse igualmente a reivindicaciones de productos, aparatos y procesos reivindicados en términos de función, propiedad o característica. Por consiguiente, un rechazo según 35 U.S.C. 102/103 es apropiado para estos tipos de reivindicaciones, así como para reivindicaciones de composiciones.

Las reivindicaciones 1-21 satisfacen los criterios expuestos en el Artículo 33(4) PCT en el sentido de que estos compuestos se conocen como agentes anti-cáncer.

NUEVAS CITAS

APOSTILLE

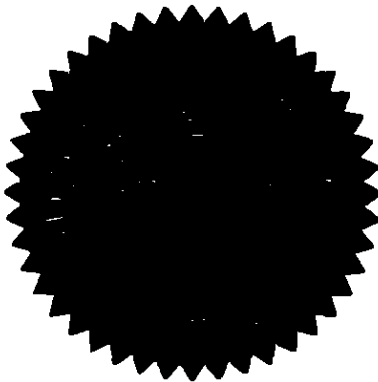
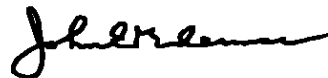
99

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
MARIA CASTALDO
3. ACTING IN THE CAPACITY OF:
NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
MARIA CASTALDO, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 29TH DAY OF JULY 2003
7. BY: John E McCormac, CPA, NEW JERSEY TREASURER
8. NO. A177872
9. SEAL/STAMP:
10. SIGNATURE



AFFIDAVIT

I, **Stephen B. Davis**, Patent Counsel, Patent Department,
BRISTOL-MYERS SQUIBB COMPANY, do hereby certify that this is a
notarized true copy of the original assignment signed by the inventor,

**John D. Dimarco, Jack Z. Gougoutas, Imre M. Vitez,
Martha Davidovich, Michael Galella, Timothy M. Malloy, Zhenrong Guo,
Denis Favreau.**

The original document is in the possession of **BRISTOL-MYERS SQUIBB COMPANY**.

Stephen B. Davis
Stephen B. Davis
Patent Counsel

STATE OF NEW JERSEY)
)
COUNTY OF MERCER)

Subscribed and sworn to before me this

 7 day of Jan. , 2003

Maria Castaldo
Maria Castaldo
Notary Public of New Jersey
My commission expires October 6, 2003

SEAL



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

101

SEPTEMBER 19, 2001

BRISTOL-MYERS SQUIBB COMPANY
MARLA J. MATHIAS
P.O. BOX 4000
PATENT DEPARTMENT
PRINCETON, NJ 08543-4000

RECEIVED

U.S. Patent Law

SEP 26 2001



101781675A

Docketed Item

Due Date

Attorney

R. Paul

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/11/2001

REEL/FRAME: 011973/0319
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DIMARCO, JOHN D.

DOC DATE: 05/14/2001

ASSIGNOR:

VITEZ, IMRE M.

DOC DATE: 05/14/2001

ASSIGNOR:

GALELLA, MICHAEL

DOC DATE: 05/16/2001

ASSIGNOR:

GUO, ZHENGRONG

DOC DATE: 05/16/2001

ASSIGNOR:

GOUGOUTAS, JACK Z.

DOC DATE: 05/16/2001

ASSIGNOR:

DAVIDOVICH, MARTHA

DOC DATE: 05/16/2001

ASSIGNOR:

MALLOY, TIMOTHY M.

DOC DATE: 05/16/2001

H 102

ASSIGNOR:
FAVREAU, DENIS

DOC DATE: 06/06/2001

ASSIGNEE:
BRISTOL-MYERS SQUIBB COMPANY
LAWRENCEVILLE-PRINCETON ROAD
PRINCETON, NEW JERSEY 08543-4000

SERIAL NUMBER: 60225590
PATENT NUMBER:

FILING DATE: 08/16/2000
ISSUE DATE:

DIANE RUSSELE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

07-18-2001

OMB No. 0851-0011 (exp. 4/94)



LD214 PSP

X 103

To the Honorable Commissioner of

101781675

Attached original documents or copy thereof.

1. Name of conveying party(ies): 7-11-01
John D. DIMarco, Jack Z. Gougoutas
Imre M. Vitez, Martha Davidovich
Michael Galella, Timothy M. Malloy
Zhenrong Guo, Denis Favreau

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 5/14/01, 5/14/01, 5/16/01, 5/16/01,5/16/01, 5/16/01, 5/16/01, 6/8/01 respectively

2. Name and address of receiving party(ies)

Name: Bristol-Myers Squibb Company

Internal Address: _____

JUL 11

Street Address: Lawrenceville-Princeton RoadCity: Princeton State: NJ ZIP: 08543-4000Additional name(s) & address(es) attached? ☐ Yes ☒ No

Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

60/225,590

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Maria J. MathiasInternal Address: Bristol-Myers Squibb CompanyPatent DepartmentStreet Address: P.O. Box 4000City: Princeton State: NJ ZIP: 08543-40006. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)

\$ 40☐ Enclosed☒ Authorized to be charged to deposit account and any other additional fees required.

8. Deposit account number:

19-3880 (In the name of Bristol-Myers Squibb Company)

(Attach duplicate copy of this page if paying by deposit account)

17/2901 RHHED1 00000161 193880 00000000

DO NOT USE THIS SPACE

F.1581 40-00-01

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Rena Patel, Ph.D.

Name of Person Signing

Reg. No. 41,412

Rena Patel ..

Signature

July 9, 2001

Date

☐ Certificate of mailing on reverse sideTotal number of pages including cover sheet, attachments, and document: 7Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

104
JD

ASSIGNMENT

We,

John D. DiMarco	residing at	3 Lexington Avenue South River, New Jersey 08882 United States of America	{ 16 Neal Dr. East Brunswick, NJ 08816 USA 08816
Jack Z. Gougoutas	residing at	101 Westerly Rd. Princeton, New Jersey 08540 United States of America	
Imre M. Vitez	residing at	117 Main Street Whitehouse Station, New Jersey 08889 United States of America	
Martha Davidovich	residing at	159 Fern Road East Brunswick, New Jersey 08816 United States of America	
Michael Galella	residing at	3 Evergreen Court Belle Mead, New Jersey 08502 Hillsborough, NJ 08544 United States of America	MA
Timothy M. Malloy	residing at	1902 Makefield Road Yardley, Pennsylvania 19067 United States of America	
Zhenrong Guo	residing at	21 Augusta Place East Brunswick, New Jersey 08816 United States of America	
Denis Favreau	residing at	5065 Terrasse Beaudry Saint-Hubert, Quebec J3Y 8L2 Canada,	

pursuant to contractual obligations heretofore assumed by us and/or for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, its successors, assigns and legal representatives, all our right, title and interest, which includes the right to and full benefit of such priorities as may now or hereafter be granted to us by local laws or by treaty, including any international convention for the protection of industrial property, in and for all countries of the world, including the United States and its territories and possessions, in and to the invention entitled:

POLYMORPHS OF AN EPOTHILONE ANALOG

invented by us and described in the provisional United States patent application

105

Application No. 60/225,590, filed August 16, 2000,

including said provisional United States patent application and any application claiming priority from said provisional application, filed in any country, and any patents which may be issued and/or granted thereon, and all divisions, continuations, reissues, reexamination certificates and extensions thereof in all countries, the said interest being the entire ownership of said invention and all of said applications, patents (including reissue patents), extensions and reexamination certificates to be held and enjoyed by the said Bristol-Myers Squibb Company and its successors and assigns to the full end of the terms to which said patents (including reissue patents), extensions and reexamination certificates may be granted and/or issued, as fully and entirely as the same would have been held and enjoyed by us if this sale, assignment and transfer had not been made;

And we hereby agree to communicate to said assignee or its representatives any facts known to us respecting said invention, to testify in any legal proceedings, to sign and/or execute any further documents and/or instruments which may be necessary, lawful and proper in and/or for the filing and/or prosecution of all applications, including divisional, continuation and reissue applications, extensions and reexamination certificates and/or the granting and/or issuance thereof and/or to otherwise secure title to said invention and all of said applications, patents (including reissue patents, extensions and reexamination certificates in said assignee, and in general to do everything possible to aid said assignee, its successors and assigns to obtain and enforce proper protection for said invention in all countries.

Signed this ____ day of 5/14/ 2001 by John D. DiMarco
John D. DiMarco

Signed this ____ day of 5/14 2001 by Jack Z. Gougoutas
Jack Z. Gougoutas

Signed this 16 day of May 2001 by Imre M. Vitez
Imre M. Vitez

Signed this 16 day of May 2001 by Martha Davidovich
Martha Davidovich

Signed this 16 day of May, 2001 by Michael Galella
Michael Galella

Signed this 16 day of May, 2001 by Timothy M. Malloy
Timothy M. Malloy

Signed this 16 day of May, 2001 by Zhenrong Guo
Zhenrong Guo

Signed this 6th day of June, 2001 by Denis Favreau
Denis Favreau

STATE OF NEW JERSEY)

COUNTY OF Mercer) ss.

On the 14th day of May, 2001, before me came **John D. DiMarco**, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Lisa B. Swidra
Notary Public

LISA B. SWIDRA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 22, 2004

46 107

STATE OF NEW JERSEY)

COUNTY OF Mercer) ss.

On the 14th day of May, 2001, before me came Jack Z. Gougoutas, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Lisa B. Swidra
Notary Public

LISA B. SWIDRA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 22, 2004

STATE OF NEW JERSEY)

COUNTY OF Middlesex) ss.

On the 16 day of May, 2001, before me came Imre M. Vitez, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Ivette Rosa-Rosado
IVETTE ROSA-ROSADO Notary Public
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/8/2004

STATE OF NEW JERSEY)

COUNTY OF Middlesex) ss.

On the 16 day of May, 2001, before me came Martha Davidovich, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Ivette Rosa-Rosado
Notary Public

IVETTE ROSA-ROSADO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/8/2004

X 108

STATE OF NEW JERSEY)

COUNTY OF Middlesex ss.

On the 16 day of May, 2001, before me came Michael Galella, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Ivette Rosa-Rosado

Notary Public

IVETTE ROSA-ROSADO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/1/2004

STATE OF NEW JERSEY)

COUNTY OF Middlesex ss.

On the 16 day of May, 2001, before me came Timothy M. Malloy, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Ivette Rosa-Rosado

Notary Public

IVETTE ROSA-ROSADO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/1/2004

STATE OF NEW JERSEY)

COUNTY OF Middlesex ss.

On the 16 day of May, 2001, before me came Zhenrong Guo, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

Ivette Rosa-Rosado

Notary Public

IVETTE ROSA-ROSADO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 1/1/2004

[Signature]
109

STATE F NEW JERSEY)

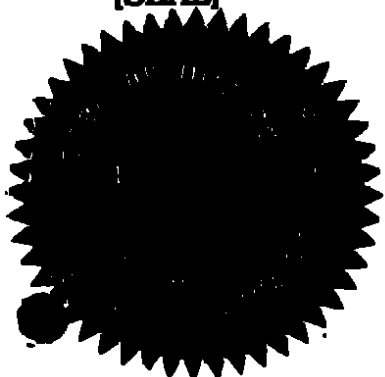
) ss.

COUNTY OF)

On the *6th* day of *June*, 2001, before me came **Denis Favreau**, to me known to be the person of that name mentioned in, and who executed the foregoing Assignment and acknowledged that he/she executed it.

[SEAL]

[Signature]
Notary Public



Brigard & Castro
Abogados

Apartado 3882

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Bogotá - Colombia S.A.

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E-Mail: bricas@brigardycastro.com.co

AS: 80.025

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Radicacion: 03011545 00000002

Folios: 1

Fecha (AMB): 2003-08-28 16:00:56

Trámite: 011 PCT-PATENT 378 FASE NACI 329 COMPLET

Dependencia: 2828 DIVISION DE NUEVAS CREACIONES

RESPUESTA A OFICIO 05568 DE JULIO 18, 2003

REF: Expediente No. 03 011.545 - Solicitud de Patente FASE NACIONAL
Corresp. a la Solicitud Internacional PCT/US01/24540
a favor de BRISTOL - MYERS SQUIBB COMPANY
Titulada: POLIMORFOS DE UN ANÁLOGO DE EPOTILONA

RAMIRO CASTRO DUQUE, vecino de Bogotá, portador de la tarjeta profesional No. 1003, obrando como apoderado de la Sociedad BRISTOL - MYERS SQUIBB COMPANY, según lo acredita el documento de Poder presentado en esa División bajo el No. 19358, para dar cumplimiento al requerimiento notificado por fijación en lista el 18 de Julio de 2003 y de acuerdo con los Artículos 38 y 39 de la Decisión 486 de la Comisión de la Comunidad Andina, Artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la SIC, me permito anexar al presente escrito los siguientes documentos:

1. Copia del examen preliminar efectuado por la IPEA, junto con su correspondiente traducción al castellano.
2. Documento donde consta la cesión del derecho a la Patente otorgado por los inventores al solicitante, debidamente apostillado.
3. Nos permitimos aclarar que de conformidad con los documentos presentados con nuestro memorial Petitorio, la presente solicitud corresponde al capítulo II del PCT.

De la señora Jefe atentamente,


RAMIRO CASTRO DUQUE
C.C. No. 170.322 de Bogotá
Código 340
Cra 7a. No. 16-56 Piso 9

Bogotá, Agosto 27, 2003
CHP/MEV/hsr

2020
Bogotá, D.C.,

Doctor:
Ramiro Castro Duque
Apoderado
Bristol - Myers Squibb Company.

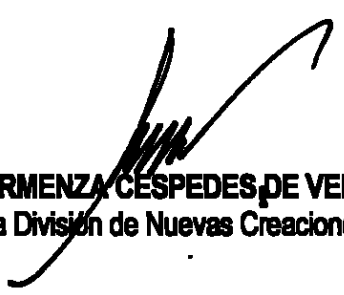
Oficio N° 890

ASUNTO:	Radicación N°	03-11545
	Solicitud internacional	PCT/US01/24540
	Trámite	011
	Evento	378
	Actuación	416
	Folios	001

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 D.C., 10 DIC. 2003


ALIX CARMENZA CESPÉDES DE VERGEL
Jefe de la División de Nuevas Creaciones.

202021

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