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EDIFIC SUPERINDUSTRIA Y COMERCIO
CARRERA Radicacion : 02077723 00000001 Folios: 7 7)(1)347-3611
BOGOTA 8 Fecha (MM): 2003-02-21 16:42:32 7)(1)310-4995
Tramite : 011 PCT-PATENT 379 FASE NACI 329 COMPLEMEN
Rememoranda: 0020 07070707 DE INICIAR POCART/MEQ

Señora Jefe de la
DIVISION DE NUEVAS CREACIONES
Superintendencia de Industria y Comercio
E. S. D.

Trámite : 011
Evento : 378
Actuación: 329

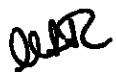
Referencia : Expediente No. 02.077.723
Solicitante : BOEHRINGER INGELHEIM INTERNATIONAL GMBH
Asunto : Solicitud de patente para "INYECTOR SIN AGUJA
EN EJECUCIÓN MINIATURA"
Fecha de solicitud : 02 de septiembre de 2002.

1. Yo, Emilio FERRERO, obrando como apoderado del solicitante en referencia, atentamente presento junto con este escrito una copia de la traducción al inglés del Reporte de Examen Internacional Preliminar emitido en la solicitud internacional PCT/EP01/02356.

2. Ruego a la Señora Jefe se sirva aceptar este escrito con sus anexos, y se continúe con el trámite de la solicitud.

Bogotá, 21 FEB 2003
Señora Jefe,


EMILIO FERRERO
T.P.A. No. 31.929

 COLO 09255-841-001-2
MRE/MRE/
ID-000196/WPCL9255

41223388975

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference 1/1127-PCT	FOR FURTHER ACTION See Notification of International Preliminary Examination Report (PCT/ISA/410)	
International application No. PCT/EP01/02356	International filing date (day/month/year) 02 March 2001 (02.03.01)	Priority date (day/month/year) 03 March 2000 (03.03.00)
International Patent Classification (IPC) or national classification and IPC A61M 5/30		
Applicant BOEHRINGER INGELHEIM INTERNATIONAL GMBH		

1 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 34.

2 This REPORT consists of a total of 8 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing modifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3 This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16 August 2001 (16.08.01)	Date of completion 28 May 2002 (28.05.2002)
Name and mailing address of the IPBA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPBA/409 (cover sheet) (January 1994)

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International application No.

PCT/JP01/02356

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

1 Basis of the report

1 This report has been drawn on the basis of (Amendment 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 assessed in the report since they do not comply with Article 15)

☐ the international application as originally filed.

☒ the description, pages 1-14, as originally filed,

pages _____, filed with the demand,

pages 2.2a, filed with the letter of 11 Apr 2002 (11.04.2002)

pages _____, filed with the letter of _____

☒ the claims, Nos. _____ as originally filed,

Nos. _____, as amended under Article 15,

Nos. _____, filed with the demand,

Nos. 1-27, filed with the letter of 11 Apr 2002 (11.04.2002)

Nos. _____, filed with the letter of _____

☒ the drawings, sheets/fig 1/3-3/3, as originally filed,

sheets/fig _____, filed with the demand

sheets/fig _____, filed with the letter of _____

sheets/fig _____, filed with the letter of _____

2 The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3 ☐ 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)).

4. Additional observations, if necessary:

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III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 20, 22-27

because:

☒ the said international application, or the said claims Nos. 20, 22-27 relate to the following subject matter which does not require an international preliminary examination (specify):

See separate sheet

☐ the description, claims or drawings (indicate particular elements below) or said drawings are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. _____ are not adequately supported by the description that no meaningful opinion could be formed

☐ no international search report has been established for said claims Nos. _____

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of BOX III 1

Non-establishment of opinion with regard to ~~novelty~~
inventive step and industrial applicability

The subjects of Claims 20 and 22-27 concern methods for the treatment of humans or animals which, because of their nature, should be regarded as surgical and therapeutic methods

Consequently, said claims concern subjects ~~which~~ the opinion of the examiner, fall under PCT ~~Article 34(4)(a)(i)~~ ~~the~~ report is therefore established on these claims ~~the~~ Article 34(4)(a)(i))

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PCT/EP 02/00356

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

1 Statement

Novelty (N)	Claims	1-19, 21	YES
	Claims		NO
Inventive step (IS)	Claims	1-19, 21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19, 21	YES
	Claims		NO

2 Citations and explanations

This report makes reference to the following documents:

- D1 FR-A-2 629 706 (ACCARIES CLAUDE; IBIS PIERRE (FR); TOPRIDES HENRI (FR)), 13 October 1989 (1989-10-13)
 D2 US-A-5 964 416 (BICHER JOACHIM ET AL.), 12 October 1999 (1999-10-12), mentioned in the

The atomiser disclosed in document D2 has all of the technical features defined in the present Claim 1. The subjects of Claim 1 and document D2 differ only by the configuration of the device, which enables it to be used as a needleless injector. In order to use the atomiser of D2 as an injector, an alteration of the nozzle head appears to be necessary: the nozzle head should have a concave face, but a substantially convex face would be necessary in the case of an injector. Since the atomiser of D2 therefore does not appear to be suitable for use as a needleless injector, D2 is not considered prejudicial to the novelty of Claim 1 (see also PCT Guidelines, Chapter IV, 7.6). And since document D2 belongs to another technical field, it is not regarded as the closest prior art.

Document D1, which is considered the closest prior art,

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discloses a needleless injector comprising

- a two-part housing (see page 4, lines 1-3) in which the two parts can rotate relative to one another (page 4, lines 4-6);
- a locking mechanism with a spring element (Fig. 13a (441, 460)) that can be displaced between two stops (Fig. 13a (441, 460)) and is provided with a triggering device. A hollow piston (426) is secured to the spring element and is movable inside a cylinder (413). A nozzle (Fig. 1 (403)) is arranged at the end of the device and a pump chamber (Fig. 13a (403)) is located between the nozzle and the valve element.
- a separate reservoir (431) located inside the device, connected with the hollow piston (425).

The stroke of the hollow piston (426) is determined by the position of the two stops

The subject matter of Claim 1 differs from the prior art in that a single valve element is arranged on the hollow piston and in that the nozzle is secured to the end of the cylinder. Moreover, the amount of liquid delivered through the hollow piston into the pump chamber when the hollow piston is drawn out of the cylinder is determined by the stroke and cross-section of the hollow piston. In the prior art, the liquid is pressed out of the reservoir by the force of a spring and the size of the pump chamber determines only the upper limit of the quantity of liquid delivered.

None of the documents cited in the international preliminary report describes or suggests the solution defined in Claim 1. The subject matter of Claim 1 therefore appears to be novel and inventive (PCT Article 33(2) and (3)).



2020
Bogotá, D.C.,

Doctor:
EMILIO FERRERO
Apoderado
BOEHRINGER INHELHEIM INT.

Oficio N°
05597

ASUNTO:	Radicación N°	02-77723
	Solicitud internacional	PCT/EP2001/002356
	Fecha inicio fase nacional	03/10/2002
	Trámite	011
	Evento	379
	Actuación	330
	Folios	001

Como resultado del examen de forma, realizado con fundamento en el artículo 38 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 Superintendencia de Industria y Comercio, se le comunica que:

- ☐ La solicitud no contiene la traducción de los anexos del reporte de examen preliminar Internacional (Art. 36.2.b) del tratado PCT).

En cumplimiento de lo dispuesto por el artículo 39 de la Decisión 486, se le requiere para que dentro del término de dos meses siguientes a la fecha de notificación del presente oficio, complete los requisitos anteriormente enunciados. En caso de no dar cumplimiento al presente requerimiento, la solicitud se considerará abandonada y perderá su prelación.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e), del capítulo quinto del título primero de la Circular Única N° 10 de 2001.

ALIX CARMEN CESPEDES DE VERGEL
Jefe de la División de Nuevas Creaciones.

El anterior requerimiento fue notificado por fijación en lista de fecha 18 JUL 2003.