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ESCOBAR - URIBE ASOCIADOS

A B O G A D O S

Carrera 11A No. 94-76 Of. 305 - P.O. Box 94948, Bogotá, Colombia, S.A.
Tels: (571) 6162051 - 6162051 - 6161859 - 6161869
Fax: (571) 6161869

2534/P

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

E. S. D.

SUPERINDUSTRIA Y COMERCIO
Radicación: 03021124 00000001 Folios: 19
Fecha (MM): 2003-04-09 16:19:23
Trámite: 011 PCT-PATENT 379 FASE NACI 329 CUMPLEMEN
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Re: Expediente No. 03.021.124
Fase Nacional de Solicitud de Patente PCT a nombre de
The Proctor & Gamble Company

Yo, JIMENA ESCOBAR URIBE, identificada como aparece al pie de mi firma, domiciliada en Bogotá, en la Carrera 11 A No. 94-76 Of. 305, obrando como apoderada de la sociedad THE PROCTER & GAMBLE COMPANY, solicitante de la patente de la referencia, anexo al presente memorial los siguientes documentos:

1. Documento de cesión suscrito por los inventores a favor de mi mandante.

De conformidad con las normas legales vigentes, artículo 1 de la Resolución 210 de 2001, expedida por el Superintendente de Industria y Comercio, los documentos en inglés que se pretendan aportar como parte de los trámites de propiedad industrial ante la Superintendencia de Industria y Comercio no requieren traducción. Por lo tanto, el documento de cesión anexo a este memorial es válidamente presentado en idioma inglés, y con la correspondiente Apostilla.

2. Copia del examen preliminar internacional efectuado por la Autoridad Internacional de Examen Preliminar (IPEA) acompañado de la correspondiente traducción al idioma español.

Señor Superintendente,


JIMENA ESCOBAR URIBE
C.C.39.779.452 de usaquén
T.P. 68228
Cód. 5376

APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by GREGORY HARTMANN

3. acting in the capacity of Clerk of Court of Common Pleas

4. bears the seal/stamp of Court of Common Pleas, Hamilton County

CERTIFIED

5. at Columbus, Ohio

6. March 4, 2003

7. by the Secretary of State of Ohio.

8. No. 118967

9. Seal/Stamp:



10. Signature:

J. Kenneth Blackwell
J. Kenneth Blackwell
Secretary of State of Ohio

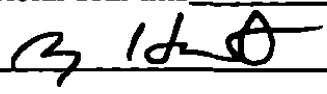
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STATE of OHIO }
COUNTY OF HAMILTON } ss.

I, GREGORY HARTMANN Clerk of the Common Pleas Court,
the same being a court of record for aforesaid county, having by law a seal do hereby certify that
JUDITH BOZILE Esq., whose name is subscribed to the attached certificate was at

the time a NOTARY PUBLIC, duly commissioned and sworn, and at the time of taking said acknowledgement,
proof or affidavit, was residing in said county, and was, as such, an officer of said state, duly authorized by
the laws thereof to take and certify the same, as well as to take and certify the proof and acknowledgement
of deeds and other instruments in writing to be recorded in said state, and that full faith and credit are and
ought to be given to his official acts; and I further certify that I am well acquainted with his handwriting, and
verily believe that the signature to the attached certificate is his genuine signature. I further certify that the
filing of the impression of the notary seal is not required in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal this 19TH day of FEBRUARY, 20 03

 **GREGORY HARTMANN**
Clerk of Common Pleas Court, Hamilton County, Ohio

P&G

I, Judith Bozile, a Notary Public in and for the State of Ohio, do certify that I have carefully compared with the original documents the attached copies thereof. They are complete, full, true and exact copies of the original documents they purport to reproduce.

UNITED STATES OF AMERICA)

STATE OF OHIO)

COUNTY OF HAMILTON)

The 30 day of January 2003.


 JUDITH BOZILE
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES
 APRIL 28, 2004



JUDITH BOZILE
 Notary Public, State of Ohio
 My Commission Expires 04/28/04

GLOBAL GENERAL ASSIGNMENT

WHEREAS I/we, the undersigned inventor(s) herewith declare that I am the sole inventor/we are the joint inventors and I/we have made a certain invention as set forth in a patent application (including industrial designs and utility models) entitled Melanocortin Receptor Ligands, Attorney's Docket No. 8267P and filed in the United States Patent Office as Number 60/235,858, on September 27, 2000 (the hereinafter named assignee being authorized to insert said Number and filing date when ascertained):

Frank Hallock Ebetino of Cincinnati, County of Hamilton, State of OH;
Adam Wieslaw Mazur of Cincinnati, County of Hamilton, State of OH;
Jeffrey Charles Hayes of West Chester, County of Butler, State of OH;
Feng (NMN) Wang of Cincinnati, County of Hamilton, State of OH;
Mark Gregory Solinsky of Cincinnati, County of Hamilton, State of OH;
Anny-Oddie Colson of Loveland, County of Warren, State of OH;
Qishen (NMN) Lin of Loveland, County of Warren, State of OH;

I/We made said invention set forth in said patent application while employed by, or otherwise under an obligation to assign said invention to The Procter & Gamble Company or one of its Affiliates (including, Procter & Gamble Asia Pacific Ltd.; Procter & Gamble Australia Pty. Ltd.; Procter & Gamble Technology (Beijing) Co., Ltd.; Procter & Gamble Far East, Inc.; Procter & Gamble Hong Kong Ltd.; Procter & Gamble India, Ltd.; Procter & Gamble Indonesia; Procter & Gamble Korea, Inc.; Procter & Gamble Malaysia Sdn. Bhd.; Procter & Gamble Philippines, Inc.; Procter & Gamble Taiwan Ltd; Procter & Gamble Manufacturing (Thailand) Ltd.; Procter & Gamble (Guangzhou) Ltd.; P&G Northeast Asia Pte Ltd; Max Factor K.K.; P&G K.K.; Procter & Gamble Asia Pte. Limited; Procter & Gamble de Mexico; and Procter & Gamble de Venezuela) and acknowledge my/our obligation at the time the invention was made to assign said invention to The Procter & Gamble Company or the Affiliate, respectively. Pursuant to said obligation and (in the case of employment by or obligation to the Affiliate) at the request of the Affiliate, I/we assign to The Procter & Gamble Company, its legal representatives, successors and assigns, the entire right, title and interest (including the right to claim priority of the filing date of said patent application under international conventions) in said invention as set forth in said patent application, and in all patents of the United States and of any other country which may be issued for said invention, as fully and completely as the same would have been held by me/us had this assignment not been made. The entire right, title and interest shall vest irrevocably in The Procter & Gamble Company. I/We further agree upon request, without additional compensation but at no expense to me/us, to execute or assent to applications, and to execute all other legal documents as may be necessary or desirable to vest the enjoyment of the rights assigned to The Procter & Gamble Company, its legal representatives, successors and assigns, or as said Company may direct.

I/We request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention herein assigned and as set forth in U. S. Application Serial Number 60/235,858 (the hereinafter named assignee being authorized to insert said U.S. Serial Number when ascertained) to The Procter & Gamble Company, its legal representatives, successors or assigns, as the sole owner of the entire right, title, and interest in said patent and the invention and the invention covered thereby.

The ASSIGNMENT of said invention is effective as of the earlier of 1) the date of execution shown below or 2) the filing date of said patent application.

Frank Hallock Ebetino
Frank Hallock Ebetino

11-5-01
Date

State of OH }
County of Warren } ss

On this 5th day of November, 2001, before me personally appeared Frank Hallock Ebetino, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
in and for the State of Ohio
My Commission Expires February 1, 2003

Adam Wieslaw Mazur
Adam Wieslaw Mazur

November 5, 2001
Date

State of OH }
County of Warren } SS

On this 5th day of November, 2001, before me personally appeared Adam Wieslaw Mazur, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
in and for the State of Ohio
My Commission Expires February 1, 2003

Jeffrey Charles Hayes
Jeffrey Charles Hayes

November 3, 2001
Date

State of OH }
County of Warren } SS

On this 2nd day of November, 2001, before me personally appeared Jeffrey Charles Hayes, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
in and for the State of Ohio
My Commission Expires February 1, 2003

Feng (NMN) Wang
Feng (NMN) Wang

11-21-01
Date

State of OH }
County of Warren } SS

On this 24th day of November, 2001, before me personally appeared Feng (NMN) Wang, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
in and for the State of Ohio
My Commission Expires February 1, 2003

Mark Gregory Solinsky
Mark Gregory Solinsky

Nov 05 2001
Date

State of OH }
County of Warren } SS

On this 5th day of November, 2001, before me personally appeared Mark Gregory Solinsky, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
in and for the State of Ohio
My Commission Expires February 1, 2003

Anny Odile Colson
Anny Odile Colson

November 2, 2001
Date

State of OH }
County of Warren } ss

On this 2nd day of November, 2001, before me personally appeared Anny-Odile Colson, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
In and for the State of Ohio
My Commission Expires February 1, 2003

Qishen Lin
Qishen Lin

9-24-01
Date

State of OH }
County of Warren } ss

On this 24th day of September, 2001, before me personally appeared Qishen Lin, to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.



Lori Deatherage
Notary Public/Witness
LORI L. DEATHERAGE, Notary Public
In and for the State of Ohio
My Commission Expires February 1, 2003

FEB 27 2003

P & G Patent Division
International ITCFrom the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Reed, David T.
THE PROCTER & GAMBLE COMPANY
5299 Spring Grove Avenue
Cincinnati, OH 45224
ETATS-UNIS D'AMERIQUEAR + Cites
Enclosed

R. E. H. /f

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/NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)Date of mailing
(day/month/year) 19.02.2003Applicant's or agent's file reference
8287W/JB

IMPORTANT NOTIFICATION

International application No.
PCT/US01/30051International filing date (day/month/year)
28/08/2001Priority date (day/month/year)
27/09/2000

Applicant

THE PROCTER & GAMBLE 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.

For the purpose of deciding whether the claimed invention is patentable or not, the elected Offices may apply criteria additional to or different from the criteria on which the international preliminary examination report is based (see Articles 27(5), 33(5)). Additional criteria may include e.g. exemptions from patentability and the requirements of enabling disclosure and of clarity and support of claims.

Name and mailing address of the IPEA/

European Patent Office
D-80299 Munich
Tel. +49 89 2369-0 Tx: 523656 epmu d
Fax: +49 89 2369-4465

Authorized officer

Laskonen, A

Tel. +49 89 2369-7061



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8267M/JB		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US01/30051	International filing date (day/month/year) 26/09/2001	Priority date (day/month/year) 27/09/2000	
International Patent Classification (IPC) or national classification and IPC C07K5/00			
Applicant THE PROCTER & GAMBLE COMPANY			
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 7 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 rectifications 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 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 and 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 25/02/2002		Date of completion of this report 18.02.2003	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80299 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4485		Authorized officer Vogt, T Telephone No. +49 89 2399 8477 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US01/30051

I. Basis of the report

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

Description, pages:

1-114 as originally filed

Claims, No.:

1-19 as originally filed

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 the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 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 written 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:
☐ the claims, Nos.:
☐ the drawings, sheets:

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 (Rule 70.2(c)).

6. Additional observations, if necessary:

☒ claims Nos. 1-16, 18, 19 (all party).

☐ the computer readable form has not been furnished or does not comply with the standard.

1. Statement

Industrial applicability (IA) Yes: Claims 1-19

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US01/30051

No: Claims

2. Citations and explanations
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US01/30051

III No opinion.

The international search report (ISR) was not established for claims 1-16, 18 and 19 (partly). The international preliminary examination report (IPER) will therefore not cover said claims (Rule 86(1)e PCT).

Hence, the IPER will only relate to the subject matter disclosed on pages 23-28 and the examples (see IPER, Box I.2)

V Reasoned Statement.**Subject matter of the present application.**

The provision of melanocortin receptor ligands of formula 1 and compositions comprising the same.

Cited prior art documents (Rule 64(1) PCT).

D1: WO 00 58361 A.

D2: WO 01 00224 A.

D3: SCHIÖTH ET AL. (1997) J. PHARMACOL. 319, 369-373.

D4: ADAN (1999) J. PHARMACOL. 378, 249-258.

D1 and D2 are not considered to form part of the prior art under Rule 64(1) PCT.

Novelty (Art. 33(2) PCT).

The subject matter of claims 1-16, 18 and 19 (partly) is not supported by the description as required by Article 6 PCT, as the scope is broader than justified by the description and drawings. The reasons therefor are the following: Present claim 1 relates to thousands of compounds whereas the present application only provides support for a restricted number of compounds. Moreover it does not appear obvious that substantially all compounds falling within the scope of present claim 1 solve the problem, starting from the limited number of compounds described in the description. In addition, the present application merely comprises examples for the synthesis of the compounds but does not comprise any statement about the results of functional tests therewith.

The subject matter of the present application appears to overlap, at least in part, with the subject matter of D1. The subject matter of D1 may therefore become novelty

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US01/30051

destroying for the subject matter of the present application, when the present application enters the European regional phase.

D2 discloses melanocortin receptor ligands comprising the amino acid sequence His-D-Phe-Arg-Trp (HfRW). The compounds of the present application, and D1, differ therefrom in that His is not included in the consensus sequence (It is replaced by eg. Tyr, to form the consensus sequence YfRW). (see claims)

D3 similarly focuses on compounds comprising the sequence His-D-Phe-Arg-Trp. (see whole document).

D4 discloses melanocortin receptor ligands comprising the consensus sequence His-Xxx-Arg-Trp, wherein Xxx is Phe, D-Phe, D-Tyr or D-Nal. (see whole document).

It is noted that the subject matter, insofar as it relates to the in the search report mentioned documents, should be considered to meet the requirements of novelty. Claims 17 and 1-16, 18 and 19 (partly) contain features which alone or in combination with the claims to which they refer do not appear to have been disclosed in the cited prior art. The subject matter of said claims therefore appears to be novel (Art. 33(2) PCT).

Inventive step (Art. 33(3) PCT).

The present application is seen as a further development of the invention of D1 (eg. the substitution of His by eg. Tyr). The problem solved with the present application can be seen as the provision of further melanocortin receptor ligands.

Since D1 is not to be considered as prior art under Art. 64(1) PCT, no document is available that discloses or suggests the substitution of His by eg. Tyr to arrive at the solution of the present application.

To summarize: The subject matter of claims 17 and 1-16, 18 and 19 (partly) appear to be inventive, because they contain features which alone or in combination with the claims to which they refer do not appear to have been suggested by any combination of the cited prior art documents. Once again the applicant is reminded that this conclusion only relates to the searched subject matter.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US01/30051

Industrial applicability (Art. 33(4) PCT).

The subject matter of claims 1-19 meets the requirement of industrial applicability.

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TRATADO DE COOPERACION EN MATERIA DE PATENTES

PCT

INFORME EXAMEN PRELIMINAR INTERNACIONAL (PCT artículo 36 y regla 70)

Referencia del solicitante o agente 8267M/JB	Ver notificación de la transmisión del examen preliminar Internacional (formato PCT/IPEA/416) PARA PROSEGUIR	
No. Solicitud Internacional PCT/US01/30051	Fecha de presentación Internacional (día/mes/año) 28/09/2001	Fecha de prioridad (día/mes/año) 27/09/2000
Clasificación Internacional de Patentes (IPC) o clasificación nacional e IPC C07K5/00		
Solicitante THE PROCTER & GAMBLE COMPANY		

1.	Este examen preliminar Internacional ha sido preparado por esta Autoridad encargada del Examen Preliminar Internacional y es transmitida al solicitante de acuerdo con el artículo 36.
2.	Este INFORME consiste de un total de 7 páginas, incluyendo esta hoja. Este informe también está acompañado por ANEXOS, esto es hojas de la descripción, reivindicaciones y/o dibujos, los cuales han sido modificados y son la base para este informe y/o hojas que contienen rectificaciones presentadas ante esta Autoridad (ver Regla 70.16 y Sección 607 de las Instrucciones Administrativas bajo el PCT). Estos anexos consisten en un total de ___ hojas.
3.	Este Informe contiene Indicaciones que se relacionan con los siguientes puntos: I. ☒ Base del Informe II. ☐ Prioridad III. ☒ El no-establecimiento de opinión en relación con la novedad, nivel inventivo y aplicación industrial IV. ☐ Falta de unidad de invención V. ☒ Declaración motivada bajo el Art. 35(2) con relación a la novedad, nivel inventivo o aplicación industrial; citaciones y explicaciones que soportan dicha declaración VI. ☐ Ciertos documentos citados VII. ☐ Ciertos defectos en la solicitud Internacional VIII. ☐ Ciertas observaciones en la solicitud internacional

Fecha de presentación de la demanda 25/02/2002	Fecha en que se completó este informe 19.02.2003
Nombre y dirección de la autoridad encargada del examen preliminar internacional: Oficina de Patentes Europea D-80298 Munich Tel. +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Oficial autorizado VOGT, T Teléfono: +49 89 2399 2191

**INFORME DEL EXAMEN
PRELIMINAR INTERNACIONAL**

Solicitud internacional No. PCT/US01/30051

I. BASE DEL INFORME

1. En relación con los elementos de la solicitud internacional (las hojas de reemplazo que han sido suministradas a la oficina receptora como respuesta a la invitación bajo el artículo 14 serán referidas como "presentadas originalmente" y no están anexas a este Informe debido a que no contienen modificaciones (Regla 70.16 y 70.17)):

CAPITULO DESCRIPTIVO, PAGINAS:

1-114 Como fueron presentadas originalmente

REMINDICACIONES, No.:

1-19 Como fueron presentadas originalmente

2. En relación con el idioma, todos los elementos marcados anteriormente fueron suministrados a esta Autoridad en el idioma en que la solicitud internacional fue presentada, a menos que se indique lo contrario bajo este punto.

Estos elementos fueron suministrados o estaban disponibles para esta autoridad en el siguiente idioma, el cual es:

- ☐ El idioma de la traducción aportada a efectos de la búsqueda internacional (bajo la Regla 23.1(b))
- ☐ El idioma de publicación de la solicitud internacional (bajo la Regla 48.3(b))
- ☐ El idioma de la traducción suministrada para efecto del examen preliminar internacional (bajo la Regla 55.2 y/o 55.3)
3. Respecto a cualquier secuencia nucleótido y/o aminoácido revelado en la solicitud internacional, el examen preliminar internacional fue llevado a cabo con base en la lista de secuencias:
- ☐ Contenidas en la solicitud internacional de forma escrita
- ☐ Presentadas junto con la solicitud internacional en forma legible por computador
- ☐ Aportada posteriormente a esta Autoridad en forma escrita
- ☐ Suministrada posteriormente a esta Autoridad en forma legible por computador
- ☐ La declaración de que la lista de secuencias aportada posteriormente en forma escrita no va más allá que lo revelado en la solicitud internacional como fue presentada.
- ☐ La declaración de que la información inscrita en forma legible por computador es idéntica a la lista de secuencias en forma escrita aportada.

V. Declaración motivada, bajo el Art. 35(2) con relación a la novedad, nivel inventivo o aplicación Industrial; citaciones y explicaciones que sustentan dicha declaración

Declaración

Novedad	SI: Reivindicaciones 17 y 1-16, 18 y 19 (parcialmente)
	NO: Reivindicaciones
Nivel inventivo	SI: Reivindicaciones 17 y 1-16, 18 y 19 (parcialmente)
	NO: Reivindicaciones
Aplicación Industrial	SI: Reivindicaciones 1-19
	NO: Reivindicaciones

2. CITACIONES Y EXPLICACIONES

III. El no establecimiento de opinión

El informe de búsqueda internacional (ISR) no se estableció respecto a las reivindicaciones 1-16, 18 y 19 (parcialmente). Por lo tanto, el informe de examen preliminar internacional (IPER) no cubrirá dichas reivindicaciones (Regla 66(2)e PCT).

De esta forma, el IPER se relacionará únicamente a la materia revelada en las páginas 23-28 y los ejemplos (ver IPER, Box 1.2)

V. Declaración motivada

Materia de la presente solicitud

La provisión de receptores ligantes melanocortínicos (MC) de la fórmula 1 y composiciones que comprenden los mismos.

Documentos citados como arte previo

- D1: WO 00 58361 A.
- D2: WO 01 00224 A.
- D3: SCHIÖTH ET AL. (1997) J. PHARMACOL. 319, 369-373.
- D4: ADAN (1999) J. PHARMACOL. 378, 249-258.

Los documentos D1 y D2 no son considerados como parte del estado de la técnica bajo la Regla 64(1) PCT.

Novedad (Art. 33(2) PCT.

La materia de las reivindicaciones 1-16, 18 y 19 (parcialmente) no están sustentadas por la memoria descriptiva como lo requiere el Art. 6 PCT, debido a que el alcance es más amplio que lo justificado por la memoria descriptiva y dibujos. Las razones son las siguientes: La presente reivindicación 1 se relaciona con miles de compuestos mientras que la presente solicitud solo provee sustento para un número restringido de compuestos. Más aún, no parece obvio que substancialmente todos los compuestos que caen dentro del alcance de la presente reivindicación 1 solucionan el problema, empezando con el número limitado de compuestos descritos en la memoria descriptiva. Adicionalmente, la presente solicitud a penas comprende ejemplos para la síntesis de los compuestos pero no comprende una declaración respecto a los resultados de las pruebas funcionales ahí descritas.

La materia de la presente solicitud aparenta traslapar, por lo menos parcialmente, la materia del documento D1. Por lo tanto, la materia del documento D1 podrá afectar la novedad de la materia de la presente solicitud cuando la presente solicitud entre a la fase nacional Europea.

D2 revela receptores ligantes melanocortínicos que comprenden la secuencia del ácido amino His-D-Phe-Arg-Trp (HfRW). Los compuestos de la presente solicitud y D1 difieren de estos en que His no está incluido en la secuencia consenso (está reemplazado por eg. Tyr, para formar la secuencia consenso YfRW). (Ver reivindicaciones)

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INFORME DEL EXAMEN PRELIMINAR INTERNACIONAL

Solicitud internacional No. PCT/US01/30051

D3 se enfoca similarmente en compuestos que comprenden la secuencia His-D-Phe-Arg-Trp. (ver el documento completo).

D4 revela receptores ligantes melanocortínicos que comprenden la secuencia consenso His-Xxx-Arg-Trp, en donde Xxx es Phe, D-Phe, D-Tyr ó D-Nal. (ver documento completo).

Es de notar que la materia, que hasta este momento se relaciona con los documentos mencionados en el Informe de búsqueda Internacional, deberá considerarse que cumple con los requisitos de novedad. Las reivindicaciones 17 y 1-16, 18 y 19 (parcialmente) contienen elementos que por sí mismos o en combinación con las reivindicaciones a las cuales hacen referencia no parecen haber sido reveladas en los documentos citados como arte previo. Por lo tanto, la materia de dichas reivindicaciones parece ser novedosas (Art. 33(2) PCT).

Nivel Inventivo (Art. 33(3) PCT).

La presente solicitud es vista como un desarrollo adicional de la invención contenida en D1 (por ejemplo, la sustitución de His por Tyr). El problema resuelto con la presente solicitud puede ser visto como la provisión de receptores ligantes melanocortínicos adicionales.

Sin embargo, como D1 no es considerado como arte previo bajo el Art. 64(1) PCT, ningún documento está disponible que revele o sugiera la sustitución de His por Tyr para lograr la solución de la presente solicitud de patente.

En resumen: La materia de las reivindicaciones 17 y 1-16, 18 y 19 (parcialmente) contienen nivel inventivo debido a que comprenden elementos que por sí mismos o en combinación con las reivindicaciones a las cuales hacen referencia no parecen haber sido sugeridas por cualquier combinación del arte previo citado. Una vez más, se le recuerda al solicitante que esta conclusión solo se refiere a la materia base del Informe de búsqueda internacional.

Aplicación Industrial (Art. 33(4) PCT).

La materia de las reivindicaciones 1-19 cumple con los requisitos de aplicación industrial.

REQUISITOS NECESARIOS PARA PRESENTACION Y AGILIZACION DEL
TRAMITE

	USUARIO	RADICADOR
PATENTE DE INVENCION ☒ MODELO DE UTILIDAD	()	()
Indicación de que se solicita la concesión de una patente.	()	()
Datos de identificación del solicitante o de la persona que se presenta la solicitud.	()	()
Descripción de la invención.	()	()
Dibujos de ser estos pertinentes.	()	()
Comprobante de Pago de las tasas establecidas.	()	()
COMPLETA ()	INCOMPLETA ()	()

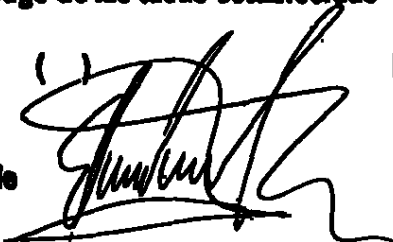
DISEÑO INDUSTRIAL ()

Indicación de que se solicita el registro de Diseño Industrial	()	()
Datos de identificación del solicitante o de la persona que presenta la solicitud	()	()
Representación gráfica y fotográfica del Diseño Industrial o muestra del Material que incorpora el diseño	()	()
Comprobante de pago de las tasas establecidas	()	()
COMPLETA ()	INCOMPLETA	()

ESQUEMA DE TRAZADO ()

Indicación de que solicita el registro de un Esquema de trazado	()
Datos de identificación del solicitante o de la persona que presenta La solicitud	()
Representación gráfica del esquema de trazado	()
Comprobante de pago de las tasas establecidas	()
COMPLETA ()	INCOMPLETA ()

Firma Responsable



SUPERINTENDENCIA Y COMERCIO

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Trámite 011 PCT-PATENT 379 FASE INCI 411 PRESENTAC

Dependencia 2020 DIVISION DE NUEVAS CREACIONES



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Bogotá D.C.

Doctor(a)
JIMENA ESCOBAR URIBE
Apoderado(a)
The Procter & Gamble Company

REFERENCIA:	Radicación No.	03-021124
	Solicitud Internacional	PCT/US2001/30051
	Fecha inicio fase nacional	27/04/2003
	Trámite	011
	Evento	379
	Actuación	418
	Oficio No.	1095
	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 DC,

04 SET. 2003

ALIX CARMENZA CÉSPEDES DE VERGEL
Jefe de la División de Nuevas Creaciones

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