

PARRA, RODRIGUEZ & CAVELIER

Bogotá, D.C., 22 de Septiembre de 2004

Señora Jefe
División de Nuevas Creaciones
Superintendencia de Industria y Comercio
E. S. D.

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SUPERINDUSTRIA Y COMERCIO
Radicación: 03050487 00000009 Folios: 8
Fecha (ORD): 2004-09-22 15:49:18
Trámite: 011 PCT-PATENT 379 FASE INCI 412 REPORIC -
Dependencia: 2020 DIVISION DE NUEVAS CREACIONES

Patente: INHIBIDORES DE GIRASA Y USO DE LOS MISMOS

Solicitante: VERTEX PHARMACEUTICALS INCORPORATED

Expediente: 03.050.487

RECURSO DE REPOSICION Y SUBSIDIARIO DE APELACION

Helena Camargo Williamson, mayor y vecina de esta ciudad, identificada como aparece al pie de mi firma, actuando como Apoderada de la sociedad **VERTEX PHARMACEUTICALS INCORPORATED**, organizada y existente de conformidad con las leyes de los Estados Unidos de América, domiciliada en Cambridge, Massachussets, Estados Unidos de América, interpongo recurso de reposición y subsidiario de apelación contra la Resolución No. 22477 de 10 de Septiembre de 2004, por medio de la cual se declaró abandonada la solicitud de privilegio de patente de invención de la referencia.

FUNDAMENTOS DE LA DIVISIÓN DE NUEVAS CREACIONES

La División de Nuevas Creaciones se fundamenta en que el requerimiento hecho mediante Oficio No. 09095 de 24 de Octubre de 2003, fue contestado en forma parcial, toda vez que el documento en que consta la cesión del derecho a la patente otorgado por los inventores al solicitante, fue suscrito únicamente por cinco de las seis personas relacionadas como inventores dentro de la solicitud.



CONSIDERACIONES

1. La sociedad VERTEX PHARMACEUTICALS INCORPORATED tiene varias solicitudes de patente en trámite, entre las cuales están las de los expedientes Nos. 03.050.487, 03.050.947, 03.052.657 y 03.067.869 y 03.052.658.
2. En todos estos expedientes, existía un requerimiento para presentar el documento de cesión del derecho a la patente otorgado por los inventores al solicitante y en todos ellos se dio respuesta oportuna.
3. Sin embargo, por un error al efectuar la traducción o al tomar las correspondientes fotocopias, se intercalaron las hojas de cada documento de cesión, de forma tal que las firmas que aparecen en un documento corresponden en realidad a otro.
4. Por esta razón, comedidamente solicito a esa División efectuar el correspondiente desglose de los documentos y su traslado al expediente correcto, así:

Desglosar la página 14 (4 of 4) del documento de cesión que obra en el expediente No. 03.067.869, que en su parte superior tiene como referencia Docket No. VPI/00128 US, y trasladarla al documento de cesión que obra en el expediente 03.050.487.
5. Hecho este desglose y traslado, la División podrá constar que aparecen las firmas de los seis inventores de esta patente y que la referencia superior coincide perfectamente.
6. Acompaño fotocopia de la forma como ha debido quedar armado el mencionado documento de cesión.

Por los argumentos anteriores, solicito a la Señora Jefe de la División de Nuevas Creaciones, y en subsidio al Señor Superintendente Delegado para la Propiedad Industrial, se sirva:

1. Revocar la Resolución 22477 de 10 de Septiembre de 2004; y
2. Continuar el trámite de la patente de invención.

PODER

El poder que me faculta para actuar en el presente asunto obra en el expediente.



PARRA, RODRIGUEZ & CAVELIER

NOTIFICACIONES

Recibiré notificaciones en la Secretaría de ese Despacho o en la Carrera 9 No. 74-08, Oficina 504 de Bogotá, D.C.

De la Señora Jefe,

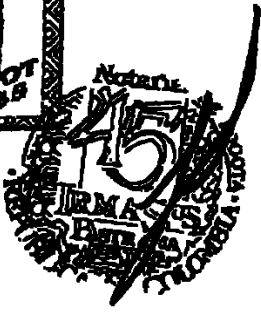
[Signature]
Helena Camargo-Williamson
C.C. 35.455.268 de Usaquén
T.P. 76.985

NOTARIA 45 DEL CIRCULO DE SANTA FE DE BOGOTÁ D.C.

Este Memorial dirigido a *[Signature]*
fue presentado personalmente ante la suscrita Notaria, IRMA SUS
PASTRANA con *[Signature]*
Identificado(a) con *[Signature]* C.C. 35.455.268
T. Profesional No. *[Signature]*
quien(a) declara(a) que reconoce(n) como cierto su contenido y
como suya la firma puesta en él a Imprimación, su(s) *[Signature]*
secretar(es), Santa Fe de Bogotá D.C. 22 SEP 2004

[Signature]

12 2 SEP 2004



ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Anne-Laure Grillo of Cambridge, MA; Paul S. Charifson of Framingham, MA; Dean Stamos of Framingham, MA; Yusheng Liao of Lexington, MA; Michael C. Badia of Bedford, MA; Martin Trudeau of Tewksbury, MA, hereby:

Sell, assign and transfer to Vertex Pharmaceuticals, Incorporated, having a place of business at 130 Waverly Street, Cambridge, MA 02139, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled "GYRASE INHIBITORS AND USES THEREOF" filed December 12, 2001, and given serial number 10/015,332 (*I/We authorize Vertex Pharmaceuticals, Incorporated to fill in the blank when a serial number is assigned.*) in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; including International Patent Application Number PCT/US01/48855 and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority deriving from any of the above-identified application(s) including, but not limited to the following priority application(s):

<u>60/256,094</u>	<u>US</u>	<u>December 15, 2000</u>
Application No.	Country	Filing Date
<u>60/275,292</u>	<u>US</u>	<u>March 13, 2001</u>
Application No.	Country	Filing Date

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.

Agree that said Assignment is effective as of the date of December 12, 2001.

Date: 7/4/03

Anne-Laure Grillo
Signature of: Anne-Laure Grillo

IN WITNESS WHEREOF, We have hereunto set hand and seal

Victoria M. Clifford
Signature of witness: VICTORIA M. CLIFFORD

this 4th day of July 2003
Date of signing

Date: 7/9/03

Paul S. Chafson
Signature of: Paul S. Chafson

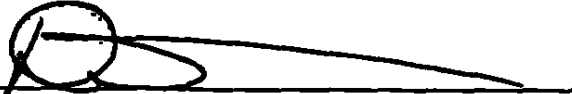
IN WITNESS WHEREOF, We have hereunto set hand and seal

Victoria M. Clifford
Signature of witness: VICTORIA M. CLIFFORD

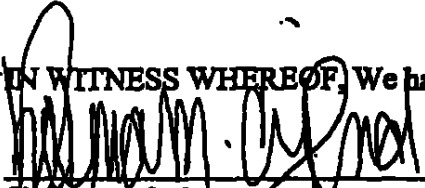
this 9th day of July 2003
Date of signing

Docket No.: VPI/00-128 US

Date: 7/9/03

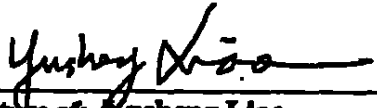

Signature of: Dean Stamos

IN WITNESS WHEREOF, We have hereunto set hand and seal

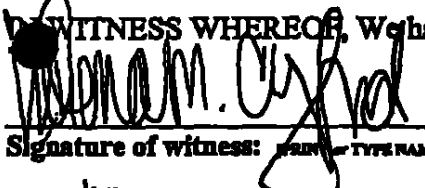

Signature of witness: PRINT or TYPE NAME VICTORIA M. CLIFFORD

this 9th day of July, 2003
Date of signing

Date: 7/8/03


Signature of: Yusheng Liao

IN WITNESS WHEREOF, We have hereunto set hand and seal


Signature of witness: PRINT or TYPE NAME VICTORIA M. CLIFFORD

this 8th day of July, 2003
Date of signing

Date: 7/08/03


Signature of: Michael C. Badia

IN WITNESS WHEREOF, We have hereunto set hand and seal


Signature of witness: PRINT or TYPE NAME Karen DiRocco

this 8th day of July, 2003
Date of signing

Docket No.: VPI/00-128 US

Date: 07/06/2003

Martin Trudeau
Signature of: Martin Trudeau

IN WITNESS WHEREOF, We have hereunto set hand and seal

Victoria M. Clifford VICTORIA M. CLIFFORD
Signature of witness: (PRINT or TYPE NAME)

this 8th day of JULY, 2003
Date of signing

I HEREBY ATTEST THAT THIS IS A TRUE COPY OF THE ASSIGNMENT DOCUMENT WHICH WAS
FILED IN THE UNITED STATES PATENT & TRADEMARK OFFICE.

William M. Clifford
Notary Public
My Commission Expires: March 6, 200

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444

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by: Ms. Victoria M. Clifford

3. acting in the capacity of: Notary Public

4. bears the seal/stamp of:

the State of Massachusetts, whose commission expires on Mar 6, 2009

Certified

5. at: Boston, Massachusetts

6. the: 18 February, 2004

7. by: the Secretary of the Commonwealth

8. No.: 77699

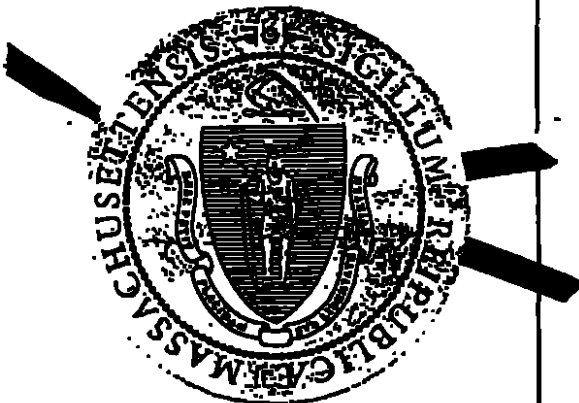
9. Seal/stamp:

Great Seal of the Commonwealth

10. Signature:

William Francis Galvin

William Francis Galvin
Secretary of the Commonwealth



Docket No.: VPI/00-128 US

Date: 07/08/2003

Martin Trudeau
Signature of: Martin Trudeau

IN WITNESS WHEREOF We have hereunto set hand and seal

Victoria M. Clifford VICTORIA M. CLIFFORD
Signature of witness: PRINT or TYPE NAME

this 8th day of JULY, 2003
Date of signing

I HEREBY ATTEST THAT THIS IS A TRUE COPY OF THE ASSIGNMENT DOCUMENT WHICH WAS DULY FILED IN THE UNITED STATES PATENT & TRADEMARK OFFICE.

Victoria M. Clifford
Notary Public
My Commission Expires: March 6, 2009



Desplazado del expediente 02-67869
84/2001-11-08