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10 4814

5 7743

Señor Director
DIRECCION DE NUEVAS CREACIONES
Superintendencia de Industria y Comercio
E. S. D.



No. 11-149822-00002-0000

Fecha: 2012-01-24 12:02:18 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 9

Trámite : 011
Evento : 379
Actuación : 444

Referencia : Expediente No. 11.149.822
Asunto : Solicitud de patente para **COMPOSICIONES PLAGUICIDAS**
Solicitante : **DOW AGROSCIENCES LLC**
Clase : A61K 031/044
Fecha de Solicitud : 04 de noviembre de 2011

CONTESTACION OFICIO No. 18865

1. Yo, Luz Clemencia de PAEZ, en mi condición de apoderada de la sociedad solicitante, **DOW AGROSCIENCES LLC**, doy contestación al requerimiento efectuado por este Despacho mediante Oficio No. **18865** notificado por fijación en lista el 02 de diciembre de 2011, para lo cual presento los siguientes documentos:

1.1. **Nuevo resumen:** De acuerdo con el resultado del primer examen de forma se requiere presentar un nuevo resumen que permita precisar el objeto de la invención, sus elementos característicos y el campo de aplicación.

Teniendo en cuenta el requerimiento del examinador y para efectos de la modificación del resumen, acompaño con este escrito el correspondiente Formulario Único de Modificaciones y Correcciones, la página 139 de la descripción y el Extracto para Publicación, que contienen el nuevo resumen de la invención que se tramita en el presente expediente.

2. **Examen preliminar:** Presento copia del examen preliminar de la solicitud de patente internacional PCT/US2010/033467, correspondiente a la solicitud de fase nacional de la referencia.

3. **Aclaración sobre la presentación de la solicitud bajo las reglas PCT Capítulo I o II:** Solicito tener en cuenta que la solicitud de patente de la referencia arriba mencionada, se tramita bajo las reglas del Capítulo II del PCT.

4. De acuerdo con lo anterior, comedidamente solicito a Usted proseguir con el trámite de este asunto y ordenar la publicación de la solicitud de la patente identificada en la referencia.

Señor Director,


LUZ CLEMENCIA DE PAEZ
C.C. 35.456.344 de Usaquén
T.P.A. No. 23.555


COLO-10975-841-069-9
SDC\SCT\ID-209052\WPC10975
No. M-2012-209052\SDC



Espacio reservado para el adhesivo de radicación

FORMULARIO UNICO DE CORRECCIONES Y MODIFICACIONES

1	SOLICITUD DE:	
	☐ Corrección de Error Material ☒ Modificación a una solicitud	
2	SOLICITANTE Nombre: DOW AGROSCIENCES LLC Sociedad constituida y existente bajo las leyes del Estado de Delaware, Estados Unidos de América. Dirección: 9330 Zionsville Road, Indianapolis, Indiana 46268, Estados Unidos de América Domicilio: Indianapolis, Indiana, Estados Unidos de América Teléfono: 546 09 70 Fax: 249 40 70 E-mail: clientes@cavelier.com	IDENTIFICACION C.C. ☐ NIT ☐ C.E. ☐ Otro ☐ Número: _____
3	REPRESENTANTE O APODERADO Nombre: Luz Clemencia de PAEZ Dirección: Carrera 4ª No. 72-35 Teléfono: 347 36 11 Fax: 217 92 11 E-mail: cavelier@cavelier.com	IDENTIFICACION C.C. ☒ NIT ☐ C.E. ☐ Otro ☐ Número: <u>35.456.344</u> TP <u>23.555</u>
4	Número de expediente: <u>11.149.822</u>	
5	Descripción de la corrección o modificación solicitada: De acuerdo con el requerimiento del examinador, presento la página 139 de la descripción y el Extracto para Publicación, que contienen el nuevo resumen de la invención que se tramita en el presente expediente. _____ _____	
6	Comprobante de pago No. _____ Fecha: _____	
7	Anexos ☐ Comprobante de pago de la tasa por \$120.000.00, por concepto de modificaciones. ☐ Comprobante de pago por reivindicaciones adicionales después de la décima reivindicación por. ☐ Poderes, si fuere el caso ☐ Documento que acredita la existencia y representación legal de las partes, cuando sean personas jurídicas. ☐ Copia auténtica de la sustitución que del poder otorgado por la Sociedad Solicitante hizo el Doctor EMILIO FERRERO a mi favor, y para lo cual solicito me sea reconocida personería para continuar con el trámite del asunto de la referencia.	

8

NOMBRE: LUZ CLEMENCIA DE PAEZ

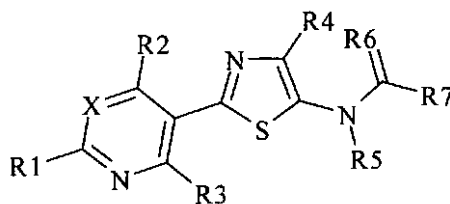
FIRMA: Luz Clemencia De Paez

C.C. 35.456.344 de Usaquén T.P.A. 23.555

SCT

RESUMEN

Moléculas que poseen la siguiente fórmula ("**Fórmula I**"):



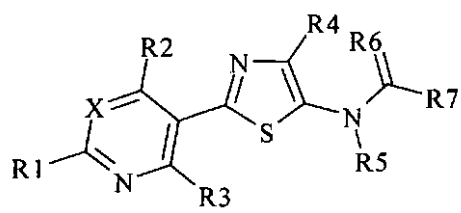
Formula I

Procesos para producir moléculas que son útiles como plaguicidas (por ejemplo, acaricidas, insecticidas, molusquicidas, y nematocidas), moléculas y procesos de usos de esas moléculas para controlar plagas.

 Industria y Comercio SUPERINTENDENCIA SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO DIVISION DE NUEVAS CREACIONES EXTRACTO PARA PUBLICACIÓN SOLICITUD DE PATENTE DE INVENCION PCT	
(21) N° de solicitud: (22) Fecha de solicitud: (30) Prioridad (31) Prioridad (32) Fecha (33) País 61/175,659 05/05/2009 US (51) Int Cl: A61K 031/044 (71) Solicitante(s) DOW AGROSCIENCES LLC (72) Inventor(es) TONY TRULLINGER Y OTROS (74) Apoderado: LUZ CLEMENCIA DE PAEZ	
(85) Fecha limite inicio fase nacional: 05/12/2011 (86) Datos relativos a la presentación de la solicitud PCT Fecha de presentación de la solicitud: 04/05/2010 No. de solicitud PCT/US2010/033467 (87) Publicación internacional Fecha: 11/11/2010 N° publicación: WO 2010/129497 A1	
(54) Título: COMPOSICIONES PLAGUICIDAS	

Resumen:

Moléculas que poseen la siguiente fórmula ("Fórmula I"):



Formula I

Procesos para producir moléculas que son útiles como plaguicidas (por ejemplo, acaricidas, insecticidas, molusquicidas, y nematocidas), moléculas y procesos de usos de esas moléculas para controlar plagas.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 67309 WO PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US10/33467	International filing date (day/month/year) 04 May 2010 (04.05.2010)	Priority date (day/month/year) 05 MAY 2009 (05.05.2009)
International Patent Classification (IPC) or national classification and IPC IPC: A61K 31/44(2006.01) USPC: 514/338		
Applicant DOW AGROSCIENCES LLC		
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 <u>3</u> 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 <u>0</u> sheets.		
3. This report contains indications relating to the following items: I ☒ Basis of the report II ☐ Priority III ☐ Non-establishment of report 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 February 2010 (25.02.2010)	Date of completion of this report 17 June 2011 (17.06.2011)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No.	Authorized officer PATRICIA L. MORRIS Telephone No. 571-272-1600	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US10/33467

I. Basis of the report

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



the international application as originally filed.



the description:

pages 1-230 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.



the claims:

pages 230-244 as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of _____.



the drawings:

pages NONE 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 48.3(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 _____



the claims, Nos. _____



the drawings, sheets/fig _____

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.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY	International application No. PCT/US10/33467				
Box No. 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)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Claims <u>1-15 and 17-20</u></td> <td style="width: 60%; text-align: right;">YES</td> </tr> <tr> <td>Claims <u>NONE</u></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims <u>1-15 and 17-20</u>	YES	Claims <u>NONE</u>	NO
Claims <u>1-15 and 17-20</u>	YES				
Claims <u>NONE</u>	NO				
Inventive Step (IS)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Claims <u>1-15 and 17-20</u></td> <td style="width: 60%; text-align: right;">YES</td> </tr> <tr> <td>Claims <u>NONE</u></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims <u>1-15 and 17-20</u>	YES	Claims <u>NONE</u>	NO
Claims <u>1-15 and 17-20</u>	YES				
Claims <u>NONE</u>	NO				
Industrial Applicability (IA)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Claims <u>1-15 and 17-20</u></td> <td style="width: 60%; text-align: right;">YES</td> </tr> <tr> <td>Claims <u>NONE</u></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims <u>1-15 and 17-20</u>	YES	Claims <u>NONE</u>	NO
Claims <u>1-15 and 17-20</u>	YES				
Claims <u>NONE</u>	NO				
2. Citations and Explanations (Rule 70.7)					
Claims 1-15 and 17-20 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest Harrison et al. teach compounds that differ in having a carboxamide substituent attached to the thiazole ring. Harrison et al. does not disclose any pyrimidine compounds. Buettelmann teach 1,3-thiazoles having carboxamide attached at the five position via an amino group. However, the compounds of Buettelmann have a different utility. The compounds recited in Mueller are structurally dissimilar and hence, there is no motivation to use a halogen of Mueller et al. as the R4 substituent herein. The prior art does not disclose the instant processes or compositions. Applicants' arguments in the reply filed February 25, 2011 are persuasive as to why the compounds, compositions and processes are not deemed obvious from the prior art.					
----- NEW CITATIONS -----					