

OLARTE RAISBECK

OLARTE RAISBECK & FRIERI LTDA.

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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____

SUPERINDUSTRIA Y COMERCIO

Radicación : 04099964 00000002

Folios: 12

Fecha (AMB): 2004-12-15 09:44:55

Trámite : 011 PCT-PATENT 379 FASE NNCI 444 REPUESTA

Dep.: in: 2020 DIVISION DE NUEVAS CREACIONES

Expediente N° 04099964

Solicitud de Patente de Invención titulada:

"TRATAMIENTO DE LA GÁSTROPARESIA".

Solicitante: ELI-LILLY AND COMPANY.

RESPUESTA AL OFICIO N° 10060 NOTIFICADO

POR FIJACION EN LISTA No. 339, DE FECHA 29 DE OCTUBRE DE 2004,

(EXAMEN DE FORMA)

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad en referencia, me permito dar respuesta al auto proferido por ese Despacho, dentro del término legal previsto en el artículo 39 de la Decisión 486, en los siguientes términos:

1. En respuesta a primera observación del Examinador, me permito aportar junto al presente memorial el documento debidamente legalizado en donde consta la cesión de los inventores al solicitante, junto con su correspondiente traducción, según lo previsto en el Art. 26- k de la Decisión 486.
2. Para responder a la segunda observación del Examinador, me permito aclarar que la presente solicitud corresponde a una solicitud de Capítulo II del PCT. Como muestra de lo anterior, me permito adjuntar una copia de la Solicitud de Examen Preliminar Internacional radicada ante la Autoridad Internacional de Examen el 14 de octubre de 2003. Los resultados del

OLARTE RAISBECK
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el examen preliminar solicitado mediante el documento que se aporta aun no han sido emitidos por la autoridad internacional. Sin embargo, tan pronto como dichos resultados sean notificados, estaremos remitiéndolos al presente expediente.

Atentamente,



CARLOS R. OLARTE
C.C. N° 79.782.747 de Bogotá
T.P. 74.295

Anexo: Documento de Cesión.
Copia de la Solicitud Internacional de Examen Preliminar.

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CESION

Los suscritos Joseph Anthony JAKUBWOSKI y Thurman Dwight MCKINNEY, por medio de la presente cedo (cedemos) a ELI LILLY AND COMPANY una corporación organizada bajo las leyes de la ciudad de Indianápolis, Estado de Indiana, Estados Unidos de América.

Domiciliada en Lilly Corporate Center, ciudad de Indianápolis, Estado de Indiana 426285, Estados Unidos de América, (de ahora en adelante el "CESIONARIO."), todos mis (nuestros) derechos, títulos e interés sobre mi (nuestra) invención tal como describe en

US Aplicación de Patente 60/371.650 archivada el 10 de abril de 2003.

En lo que concierne a la Republica de Colombia

Lugar y fecha, Indianápolis, Indiana Estados Unidos 15 de noviembre de 2004.

(Fdo.) Joseph Anthony JAKUBWOSKI

(Fdo.) Thurman Dwight MCKINNEY

Secretaria de Estado

Estado de Indiana

APOSTILLA

(Convención de la Haya del 5 de Octubre de 1961)

1. País: Estados Unidos de América
2. El presente documento público fue firmado por:
Catherine Michel
3. Que actuó en su calidad de Notario Público en el
condado de Johnson
4. Lleva el sello del Notario Público del estado de
Indiana

Se certifico

5. Indianápolis, Indiana
6. El 22 de noviembre de 2004
7. Por parte del secretario de Estado Indianápolis.
8. Bajo el Número A2004-20316
9. Lleva el Sello del Estado de Indiana.
10. Firmado por Todd Rokita, Secretario del Estado de
Indiana.

Es traducción fiel y completa.

RECONOCIMIENTO

**Estado de: Indiana
Condado de Marion**

**Comparecieron ante mi el 15 de noviembre de 2004 Joseph Anthony Jakubowski y Thurman Dwight McKinney, y los cuales ejecutaron el anterior instrumento, por voluntad propia, por lo motivos expuestos en el mismo.
(sello)**

**(firmado: Catherine Michel)
Notario Público
Catherine Michel
Mi comisión vence el 21 de octubre de 2008
Residente del condado de Johnson**

ASSIGNMENT

Joseph Anthony JAKUBOWSKI and
Thurman Dwight MCKINNEY

By means of this document assign to

ELI LILLY AND COMPANY

A corporation organized under the laws of
City of Indianapolis, State of Indiana,
United States of America

Domiciled in
Lilly Corporate Center, City of Indianapolis,
State of Indiana 46285, United States of
America

(hereinafter referred to as the "ASSIGNEE").

All my (our) rights, title and interest in and to
my (our) invention for a new and useful
improvement entitled and as fully set forth and
described in:

US patent application 60/371,650, filed on
10 April 2002

So far as the Republic of Colombia is concerned.

Place and date: Indianapolis, Indiana US

15 NOVEMBER 2004

Joseph Anthony Jakubowski
Joseph Anthony JAKUBOWSKI

Thurman Dwight McKinney
Thurman Dwight MCKINNEY

LEGALIZE

CESION

por medio de la presente cedo (cedemos) a

una _____ organizada
bajo las leyes de

domiciliada en

(de ahora en adelante el "CESIONARIO").

todos mis (nuestros) derechos, título e interés
sobre mi (nuestra) invención tal como describe
en:

en lo que concierne a la República de Colombia.

Lugar y fecha: _____

SECRETARY OF STATE
STATE OF INDIANA



Todd Rokita
Secretary of State

APOSTILLE
(Convention de la Haye du 5 Octobre 1961)

1. Country: United States of America
2. This public document has been signed by *Catherine Michel*
3. acting in the capacity of Notary Public in & for *Johnson County*
4. and bears the seal/stamp of notary public in & for the State of Indiana

Certified

5. at Indianapolis, Indiana
6. this *Twenty-second* day of *November, 2004*
7. by Secretary of State of Indiana
8. No. A2004 - 20316

9. Seal/Stamp:

10. Signature:



Todd Rokita
Indiana Secretary of State

*Effective May 1, 2003 all apostilles from the Indiana Secretary of State will have an electronically printed seal.
The Statehouse, Indianapolis, Indiana 46204, (317) 232-6531, Fax (317) 233-3283

NOTARIAL CERTIFICATE

STATE: Indiana
COUNTY: Marlon

On this 15 day of November 2004, personally appeared before me the
named Joseph Anthony Jakubowski and Thurman Dwight McKinney, who
acknowledged that they signed the document as their voluntary act for the purposes
therein set forth.



(SEAL)

Catherine Michel

NOTARY PUBLIC
Catherine Michel
My Commission Expires
October 21, 2008
Resident of Johnson County

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The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ US

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only		
Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference X-15632
International application No. PCT/US03/08457	International filing date (day/month/year) 27 March 2003 (27.03.03)	(Earliest) Priority date (day/month/year) 10 April 2002 (10.04.02)
Title of invention TREATMENT OF GASTROPARESIS		
Box No. II APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) ELI LILLY AND COMPANY Lilly Corporate Center Indianapolis, Indiana 46285 United States of America		Telephone No. (317) 276-0280
		Facsimile No. (317) 276-3861
		Teleprinter No.
		Applicant's registration No. with the Office
State (that is, country) of nationality: US		State (that is, country) of residence: US
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) JAKUBOWSKI, Joseph, Anthony 3740 Governors Road Indianapolis, Indiana 46208 United States of America		
State (that is, country) of nationality: US		State (that is, country) of residence: US
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) MCKINNEY, Thurman, Dwight 8914 Rohan Court Indianapolis, Indiana 46278 United States of America		
State (that is, country) of nationality: US		State (that is, country) of residence: US
☐ Further applicants are indicated on a continuation sheet.		

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCEThe following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: (Family name followed by given name; for a legal entity, full official designation.
The address must include postal code and name of country.)

Mark J. STEWART
 ELI LILLY AND COMPANY
 P.O. BOX 6288
 Indianapolis, Indiana 46206-6288
 United States of America

Telephone No.

(317) 276-0280

Facsimile No.

(317) 276-3881

Teleprinter No.

Agent's registration No. with the Office

43,936

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filedthe description ☒ as originally filed☐ as amended under Article 34the claims ☒ as originally filed☐ as amended under Article 19 (together with any accompanying statement)☐ as amended under Article 34the drawings ☐ as originally filed☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This check-box may be marked only where the time limit under Article 19 has not yet expired.)

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**

The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT)

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|--------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | sheets |
| 6. other (specify) | : | sheets |

For International Preliminary
Examining Authority use only

- | | |
|--------------------------|--------------------------|
| received | not received |
| ☐ | ☐ |
| ☐ | ☐ |
| ☐ | ☐ |
| ☐ | ☐ |
| ☐ | ☐ |
| ☐ | ☐ |

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. ☒ fee calculation sheet | 5. ☐ statement explaining lack of signature |
| 2. ☐ original separate power of attorney | 6. ☐ sequence listings in computer readable form |
| 3. ☐ original general power of attorney | 7. ☐ tables in computer readable form related to sequence listings |
| 4. ☐ copy of general power of attorney; reference number, if any: | 8. ☐ other (specify): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

ELI LILLY AND COMPANY


Mark J. STEWART
Patent Attorney

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

- | | |
|---|---|
| 3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. | ☐ The applicant has been informed accordingly. |
|---|---|

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

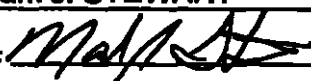
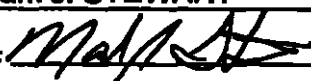
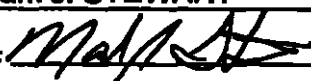
88. JE
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CHAPTER II

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. PCT/US03/08457 Applicant's or agent's file reference X-15632	For International Preliminary Examining Authority use only Date stamp of the IPEA												
Applicant ELI LILLY AND COMPANY, et. al.													
CALCULATION OF PRESCRIBED FEES <table style="width: 100%;"><tr><td style="width: 60%;">1. Preliminary examination fee</td><td style="width: 20%; text-align: right;">490. USD</td><td style="width: 20%; text-align: center;">P.</td></tr><tr><td>2. Handling fee (Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)</td><td style="text-align: right;">146. USD</td><td style="text-align: center;">H</td></tr><tr><td>3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box</td><td style="text-align: right;">636. USD</td><td></td></tr><tr><td></td><td style="text-align: right;">TOTAL</td><td></td></tr></table>		1. Preliminary examination fee	490. USD	P.	2. Handling fee (Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)	146. USD	H	3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	636. USD			TOTAL	
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2. Handling fee (Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.)	146. USD	H											
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	636. USD												
	TOTAL												
MODE OF PAYMENT <table style="width: 100%;"><tr><td>☒ authorization to charge deposit account with the IPEA (see below)</td><td>☐ cash</td></tr><tr><td>☐ cheque</td><td>☐ revenue stamps</td></tr><tr><td>☐ postal money order</td><td>☐ coupons</td></tr><tr><td>☐ bank draft</td><td>☐ other (specify):</td></tr></table>		☒ authorization to charge deposit account with the IPEA (see below)	☐ cash	☐ cheque	☐ revenue stamps	☐ postal money order	☐ coupons	☐ bank draft	☐ other (specify):				
☒ authorization to charge deposit account with the IPEA (see below)	☐ cash												
☐ cheque	☐ revenue stamps												
☐ postal money order	☐ coupons												
☐ bank draft	☐ other (specify):												
AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"> ☒ Authorization to charge the total fees indicated above. ☒ (This check-box may be marked only if the conditions for deposit accounts of the IPEA so permit) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above. </td><td style="width: 50%; vertical-align: top;"> IPEA/ <u>US</u> Deposit Account No.: <u>05-0840</u> Date: <u>October 14, 2003</u> Name: <u>Mark J. STEWART</u> Signature: <u></u> </td></tr></table>		☒ Authorization to charge the total fees indicated above. ☒ (This check-box may be marked only if the conditions for deposit accounts of the IPEA so permit) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	IPEA/ <u>US</u> Deposit Account No.: <u>05-0840</u> Date: <u>October 14, 2003</u> Name: <u>Mark J. STEWART</u> Signature: <u></u>										
☒ Authorization to charge the total fees indicated above. ☒ (This check-box may be marked only if the conditions for deposit accounts of the IPEA so permit) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	IPEA/ <u>US</u> Deposit Account No.: <u>05-0840</u> Date: <u>October 14, 2003</u> Name: <u>Mark J. STEWART</u> Signature: <u></u>												

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DIVISION DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No 04-098964

EL EXTRACTO DE LA PRESENTE SOLICITUD DE PATENTE DE INVENCION

PCT FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No 562

DE FECHA 31 DE MARZO DEL 2006 EL TERMINO HABIL SEÑALADO POR

LA LEY EXPIRA EL 05 DE JULIO DEL 2006

NOTA: Dentro del plazo de los seis (6) meses siguientes a partir de la fecha de publicación en la gaceta de Propiedad Industrial, deberá solicitar y cancelar el examen de patentabilidad so pena de que la solicitud calga en abandono, de acuerdo con lo establecido en el Artículo 44 de la Decisión 486/2000.

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

SI ☒

NO ☐ ☐ ☒

Bogotá D.C, ENERO DE 2007

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

al

RADICACIÓN: 4-89964

EDICTO No. 2915

LA SECRETARÍA GENERAL AD-HOC
HACE SABER:

Que esta Superintendencia profró Resolución No. 2110 de 31-ENE-2007. Que el contenido de la parte resolutive es como sigue: El Superintendente de Industria y Comercio.

RESUELVE

ARTICULO PRIMERO: Declarar abandonada la solicitud de privilegio de patente de invención que entró en fase nacional en virtud del Tratado de Cooperación en Materia de Patentes (PCT), de acuerdo con las razones expuestas en la parte considerativa de la presente resolución.

ARTICULO SEGUNDO: Notificar personalmente el contenido de la presente resolución al

Doctor Carlos Reinaldo Olarte Garcia, o a quien haga sus veces, en su calidad de apoderado de Eli-Lilly And Company., entregándole copia de la misma, advirtiéndole que contra ella procede el recurso de reposición interpuesto ante el Superintendente de Industria y Comercio, al momento de la notificación o dentro de los 5 días hábiles siguientes a ella.

NOTIFÍQUESE Y CUMPLASE

Dada en Bogotá, D.C., a los 31 ENE. 2007

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO,

JAIRO REINO ESCOBAR

Para notificar a los interesados, se fija el presente EDICTO en lugar visible al público en la SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO, por el término de (10) diez días hábiles contados a partir de las 8:00 a.m. de hoy.

Secretaría General Ad-Hoc 15-FEB-2007

Secretaría General Ad-Hoc

EDICTO No. 2915

Este edicto se desfiga hoy 28-FEB-2007 a las 4:30 p.m.