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A B O G A D O S

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2748/PCT

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E.

S.

D.

Ref.: Expediente No. 04.111.534

Solicitud de Patente a nombre de
McNeil-PPC, Inc.

SUPERINDUSTRIA Y COMERCIO

Radicación: 04111534 00000003

Folios: 11

Fecha (MM): 2005-03-18 14:22:15

Trámite: 011 PCT-PATENT 379 FASE INICI 444 RESPUESTA

Dependencia: 2000 DIVISION DE NUEVAS CREACIONES

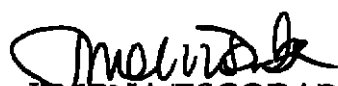
Yo, JIMENA ESCOBAR URIBE, identificada como aparece al pie de mi firma, domiciliada en la carrera 11 A No. 94-76, of. 305, obrando como apoderada de la sociedad **McNeil-PPC, Inc.**, domiciliada en Skillman, New Jersey, Estados Unidos de América, solicitante de la patente de la referencia, en respuesta al oficio No. 10590 notificado por fijación en lista el día 19 de noviembre de 2004, me permito presentar:

1. Copia del examen preliminar internacional junto con su traducción al español.
2. Documento (1) en que consta la cesión del derecho a la patente otorgado por los inventores a favor de mi mandante.

Sobre el particular, es importante resaltar que de conformidad con las normas legales vigentes, artículo 1 de la Resolución 210 de 2001, expedida por el Superintendente de Industria y Comercio y artículo 2 de la Convención de la Haya, el documento en inglés que se pretenda aportar como parte de los trámites de propiedad industrial ante la Superintendencia de Industria y Comercio no requieren traducción. Por otro lado, la legalización consular y/o diplomática de los documentos expedidos en el extranjero no es necesaria. Por lo tanto, el documento de cesión anexo a este memorial es válidamente presentado en idioma inglés y con la correspondiente Apostilla.

Espero con esto haber dado cabal cumplimiento a lo solicitado por ese despacho y de conformidad con lo indicado en los artículos 3º, inciso 3; 35, inciso 2 y 59, inciso 2 del CCA, al analizar este memorial, atentamente ruego se traten todas las cuestiones planteadas con motivo del mismo.

Señor Superintendente,


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

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TRATADO DE COOPERACION EN MATERIA DE PATENTES

PCT

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

(Reporte racionalizado de acuerdo con la notificación del presidente de la EPO publicada en OJ11/2001)

Referencia del solicitante o agente PPC834	Ver notificación de la transmisión del examen preliminar internacional (formato PCT/IPEA/416) PARA PROSEGUIR	
No. Solicitud Internacional PCT/US03/13476	Fecha de presentación internacional (día/mes/año) 01/05/2003	Fecha de prioridad (día/mes/año) 01/05/2002
Clasificación Internacional de Patentes (IPC) o clasificación nacional e IPC A61K9/00		
Solicitante MCNEIL-PPC, INC.		

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 2 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:
 - ☒ Base del Informe
 - ☐ Prioridad
 - ☒ El no-establecimiento de opinión en relación con la novedad, nivel inventivo y aplicación industrial
 - ☐ Falta de unidad de invención
 - ☒ Declaración motivada bajo el Art. 35(2) con relación a la novedad, nivel inventivo o aplicación industrial; citas y explicaciones que soportan dicha declaración
 - ☐ Ciertos documentos citados
 - ☐ Ciertos defectos en la solicitud internacional
 - ☐ Ciertas observaciones en la solicitud internacional

Fecha de presentación de la demanda 01/12/2003	Fecha en que se completó este informe 11/03/2004
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 CECCHINI R Teléfono: (+49-89) 2399 2828

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INFORME DEL EXAMEN PRELIMINAR INTERNACIONAL

Solicitud internacional No. PCT/US03/13476

I. BASE DEL INFORME

La base de este examen preliminar internacional es la solicitud de patente como fue presentada originalmente.

III. El no establecimiento de opinión en relación con la novedad, nivel inventivo y aplicación Industrial

El interrogante sobre si la invención reivindicada parece ser novedosa, constituir un nivel inventivo o tener aplicación industrial no ha sido el objeto del examen preliminar internacional con referencia a las reivindicaciones sobre las cuales no se ha realizado una búsqueda (Artículo 17(2) (a) o (3) y Regla 66.1(e) PCT; ver también el reporte de búsqueda internacional).

V. Declaración motivada bajo la Regla 66.2 (a)(II) en relación a la novedad, nivel inventivo o aplicación Industrial.

Hasta el alcance en que se realizó el examen preliminar internacional (ver ítem III arriba), se destaca lo siguiente:

A la luz de los documentos citados en el reporte de búsqueda internacional se considera que la invención, como fue definida en las reivindicaciones independientes, las cuales fueron el objeto de un reporte de búsqueda internacional, cumplen con los criterios mencionados en el Artículo 33(1) PCT, es decir, parece ser novedosa, constituir un nivel inventivo y tener aplicación Industrial.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 34 and Rule 70)

(Rationalized Report according to the Notice of the President of the EPO published in the OJ11/2001)

Applicant's or agent's file reference PPC834	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/13476	International filing date (day/month/year) 01/05/2003	Priority date (day/month/year) 01/05/2002
International Patent Classification (IPC) or national classification and IPC A61K9/00		
Applicant MCNEIL-PPC, INC.		

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 2 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 consists 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 01/12/2003	Date of completion of this report 11/03/2004
Name and mailing address of the IPER/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer CEGCHINI R Tel. (+49-89) 2399 2828

Form PCT/IPEA/409 (cover sheet) P20476 (October 2002)



I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

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

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(a) PCT); see also international search report).

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

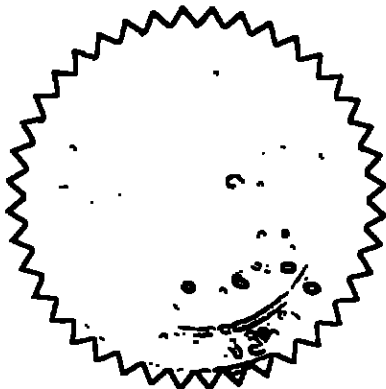
APOSTILLE

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
CHRISTINA A CLICKNER
3. ACTING IN THE CAPACITY OF:
NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
CHRISTINA A CLICKNER, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 18TH DAY OF JANUARY 2005
7. BY: John E McCormac, CPA, NEW JERSEY TREASURER
8. NO. A217379
9. SEAL/STAMP:
10. SIGNATURE



Handwritten signature of John E. McCormac.

PPC 834 COL(L)

CERTIFICATION

I hereby certify that I have compared the attached document with the original, and that such said document is a true copy of the original Assignment document as filed in the U.S. Patent Office in connection with USSN 10/137,509 filed MAY 1, 2002.



**Christina A. Clickner
(Notary Public of New Jersey)
My Commission Expires:
March 2, 2005**

A S S I G N M E N T

Serial No. 10/137,509
Filed May 1, 2002

WHEREAS, Nawaz Ahmad, Ying Sun and Shun Y. Lin, residing at Monmouth Junction, New Jersey, Belle Mead, New Jersey and Plainsboro, New Jersey respectively (hereinafter called "Assignors"), have made certain new and useful inventions or discoveries relating to

WARMING AND NONIRRITATING LUBRICANT COMPOSITIONS AND METHOD OF
COMPARING IRRITATION

for which they have on the 1st day of May, 2002 executed an application for Letters Patent of the United States; and

WHEREAS, McNeil-PPC, Inc., a corporation of the State of New Jersey, (hereinafter called "Assignee"), is desirous of acquiring Assignors' entire right, title, and interest therein:

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to them moving, the receipt of which is hereby acknowledged, Assignors have sold, assigned, and transferred, and do hereby sell, assign and transfer unto said Assignee their entire right, title and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignors if this Assignment and sale had not been made;

And Assignors hereby authorize and request the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignors covenant and agree with said Assignee that he has a full and unencumbered title to the inventions and discoveries above

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described and hereby assigned, which title they warrant unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignors further covenant and agree that they will, whenever requested, but without cost to them promptly communicate to said Assignee or its representatives any facts known to them relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignors have hereunto set their hands and seals this 6th day of August, 2002



Nawaz Ahmad (L.S.)

STATE OF ~~New Jersey~~)

) ss.

COUNTY OF ~~Somerset~~)

BE IT REMEMBERED, That on this 6th day of August, 2002, before me, a Notary Public, personally appeared Nawaz Ahmad, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him/her the contents thereof, s/he did acknowledge that s/he signed, sealed, and delivered the same as his/her voluntary act and deed for the uses and purposes therein expressed.



Notary Public

MARTHA K. TAYLOR
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 1, 2006

Ying Sun

(L.S.)

STATE OF *(New Jersey)*

) ss.

COUNTY OF *Somerset*

BE IT REMEMBERED, That on this 6th day of *August*, 2002, before me, a Notary Public, personally appeared Ying Sun, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to her the contents thereof, she did acknowledge that she signed, sealed, and delivered the same as her voluntary act and deed for the uses and purposes therein expressed.

Martha K. Taylor

Notary Public

MARTHA K. TAYLOR
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 1, 2006

Shun Y. Lin (L.S.)
Shun Y. Lin

STATE OF ~~New Jersey~~)

) ss.

COUNTY OF ~~Summit~~)

BE IT REMEMBERED, That on this 6th day of August, 2002, before me, a Notary Public, personally appeared Shun Y. Lin, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to her the contents thereof, she did acknowledge that she signed, sealed, and delivered the same as her voluntary act and deed for the uses and purposes therein expressed.

Martha K. Taylor

MARTHA K. TAYLOR
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 1, 2006

2020
Bogotá D C

Doctor(a)
JIMENA ESCOBAR URIBE.
Apoderado(a)

REFERENCIA:	Radicación N°	04-111534
	Solicitud Internacional	PCT/US03/13476
	Fecha límite fase nacional	01/12/2004
	Trámite	011
	Evento	379
	Actuación	416
	Oficio N°	1545
	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 los artículos 26 y 27 de la Decisión 486, de la Comisión de la Comunidad Andina, y en las demás disposiciones vigentes sobre la materia, se envía el extracto de la solicitud a la oficina de comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial, conforme lo establece el artículo 40 de la Decisión 486.

Cúmplase
Dado en Bogotá D C, **06 DIC. 2005**


ALIX CARMENZA CÉSPEDES DE VERGEL
Jefe División de Nuevas Creaciones

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